

Senate debates

Monday, 13 August 2007

Adjournment

Aviation: Cabin Air Quality

10:10 pm



Kerry O'Brien (Tasmania, Australian Labor Party, Shadow Minister for Primary Industries, Fisheries and Forestry) [Share this](#) | [Hansard source](#)

Earlier today the Senate gave passage to a bill which provides for the Civil Aviation Safety Authority to administer a new drug and alcohol testing regime for the aviation industry. CASA appears committed to discharging its new safety responsibilities with respect to drugs and alcohol. But the regulator appears not to understand that it is not just the consumption of drugs and alcohol by safety sensitive personnel that imperils aviation safety. The introduction of toxic fumes into the cabin environment presents a clear and present danger for everyone on board an aircraft.

This fact was accepted by the Senate Rural and Regional Affairs and Transport Committee in its report into air safety and cabin air quality tabled on 20 October 2000. The committee put it in these terms:

... chemicals introduced into an aircraft cabin can be an important factor in an aircraft's safe and comfortable operation. Excessive levels of chemical contamination can affect two aspects of aircraft operations: the operational environment and the working and travelling environment; a fact apparent to airline operators, to aircrew and to every airline passenger.

I participated in that inquiry and seven years later remain deeply concerned about the government's continuing indifference to the issues raised in the report.

In its June 2002 response, the government said it takes 'very seriously' issues relating to cabin air safety and quality. Unfortunately, this professed concern has not been backed by dedicated action. The government took 20 months to respond to the Senate report. When it did so, it undertook to do little more than monitor overseas developments. Its justification was that 'The issue of cabin air quality is clearly a global issue'. While that is undoubtedly true, then and now cabin air quality is also an issue for Australian aviation. Almost seven years after the conclusion of the Senate inquiry, CASA continues to monitor international studies. Just last month, the minister advised me in answer to question 2269 that CASA will consider any international progress on this issue, including any implications for developing equivalent Australian standards. I note in passing that question 2269 took 12 months to answer—an indication, perhaps, of the utter lack of seriousness with which CASA and the government treat concerns about cabin air quality. It is indicative that when I asked the CASA CEO, Mr Bruce Byron, in May 2006 about a key feature of the government's response to the committee report, he said he had never heard of it.

In June 2002 the government promised to establish a reference group comprising government agencies, key industry representatives and a passenger/consumer representative. This reference group, coordinated by CASA, was supposed to follow the progress and analyse the outcomes of international research on cabin air quality issues. The reference group was supposed to work cooperatively with other countries and major regulatory and research bodies to develop a harmonised view of the cabin air quality environment. This is what the reference group was supposed to do, but when asked about the group's work in May last year, Mr Byron said, 'I am not aware of anything that has been done in my time at CASA, but we will need to check that for you.' When Mr Byron checked, the answer was illuminating. The reference group first met on 21 October 2002. It last met on 21 May 2003. It will not convene again until new international standards are developed.

On the question of new standards, Australia is not even onboard the plane, let alone in the cockpit. We are bystanders on an issue that is critical to the safety of Australian aviation. As to cabin air quality on a BAe146 aircraft, CASA has advised the Senate Standing Committee on Rural and Regional Affairs and Transport that its issuing of an airworthiness directive has 'largely eliminated' air problems. That position is put notwithstanding the fact that incident reports are rising, not declining. It is hard to imagine a more contemptuous treatment of a serious aviation safety issue. Hard, that is, until you contemplate the making of commercial agreements that have kept facts about risks to cabin air quality secret.

Last July I asked the government about its knowledge of payments made under an agreement between British Aerospace and Ansett Airlines and EastWest Airlines in connection with design flaws in the BAe146 aircraft—flaws which resulted in contamination of cabin air by oil and other fumes. In reply, the minister told me that he was aware of a question about these alleged payments being asked in the House of Lords but disavowed knowledge of any agreement. The minister also refused my request to investigate the existence of any such agreement.

Subsequent to the asking of question 2269, and receipt of its answer, **I have become aware of documents that suggest that money did indeed change hands in return for silence on aircraft defects producing toxic fumes. The first document is titled 'Agreement' and is dated 3 September 1993. The parties to this purported agreement are British Aerospace Regional Aircraft Ltd, EastWest Airlines and Ansett Transport Industries. It notes that BAe warranted that the aircraft it supplied would be free from defects due to defective workmanship or defective design. It says:**

Ansett and EWA have made certain written claims against BAe alleging defective design of the Aircraft resulting in the production of obnoxious oil and other (the "cabin environment problem") fumes affecting the passenger cabins of some or all of the Aircraft.

Following certain discussions and negotiations the parties hereto have agreed to settle such claims upon and subject to the terms and conditions hereinafter contained.

BAe hereby agrees with Ansett and with EWA that it shall pay to EWA the sum of Australian \$750,000 ...

Ansett and EWA hereby jointly and severally agree that the said sum of A\$750,000 shall be paid by BAe to EWA as liquidated damages in full and final settlement of any and all claims which Ansett or EWA may have against BAe either now or in the future in respect of oil or other fumes adversely affecting the cabin environment ...

This document then says that the parties agree to split proceeds from any joint settlement reached with the manufacturers of the auxiliary power units. The document concludes with a confidentiality clause.

I am aware of another purported agreement between EastWest Airlines, Ansett and Allied Signal, a manufacturer of auxiliary power units. That

document reveals:

Soon after delivery of aircraft it became apparent that the bleed air system in the aircraft periodically circulated an unpleasant smell throughout the cabin.

After detailed and protracted investigations, it was determined that a source of the smell was oil leaking from Allied Signal APUs which entered the bleed air system through the air conditioning packs.

The document shows that in return for a parts and labour credit of \$US1,235,000, EastWest and Ansett agreed to settle and terminate all disputes, differences and claims between them. It concludes with another confidentiality agreement.

I am gravely concerned that crew and passengers of BAe146 aircraft have been exposed to dangerous fumes produced by engine defects. I am concerned that knowledge of these defects has been kept secret on commercial grounds. I am gravely concerned that the existence and content of these agreements have been deliberately withheld from a Senate inquiry. In particular, I am gravely concerned that, on 29 November 1999, Ansett executive Captain Trevor Jensen advised the Chair of the Senate Standing Committee on Rural and Regional Affairs and Transport that Ansett did not initiate any legal proceedings against BAe, notwithstanding the reference to 'certain written claims' by Ansett in one of the documents to which I have referred. These matters are of the utmost seriousness.

I call on the Civil Aviation Safety Authority to investigate the existence of these or any other agreements between aircraft operators and aircraft or component manufacturers relating to known defects, and I call on the government to reveal whether information about defects has been withheld from the regulator, the courts or the parliament. Finally, I call on the Rural and Regional Affairs and Transport Committee to consider whether one or more witnesses before its inquiry into cabin air quality may have given false or misleading evidence. I seek leave to table the documents from which I have been quoting.

Leave granted.

Comments

No comments