

QF: 014/2009

25th June 2009



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❖ NOTICE ❖

TO: QANTAS AND FORSTAFF MEMBERS

RE: TOWING WITH AMEs

We have received a number of enquiries in the last week regarding a notice about towing that requires further information for our member's consideration. This notice is distributed against a backdrop of an airline that is pursuing an aggressive agenda to reduce LAME roles within the Qantas group whilst holding on to the view that LAMEs will still be held responsible for these functions if things go wrong. The ALAEA had hoped that the new Qantas Senior Management team would lead to a more co-operative approach to all matters concerning our member's employment and functions. Over various meetings from Alan Joyce down, the words sound great but unfortunately the actions have been similar to those we all became accustomed to whilst working for Geoff Dixon.

In November 2008 a towing incident occurred at Avalon that led to a number of employees being stood down for 51 days whilst an investigation took place. During this time they were threatened with dismissal and ultimately, the Senior LAME was demoted and made responsible for alleged breaches of company procedure that were determined to be contributing factors to the incident. The allegations that were all substantiated included ridiculous breaches such as –

- Failing to sight towsafe cards (even though they were all valid)
- Failing to conduct a pre tow briefing (even though he spoke to all tow participants individually)
- Failing to assign a wing walker (There was a wing walker but he had taken the initiative to appoint himself to this role)
- Failing to appoint a PIC (he didn't use those words, he just asked him to go on the headset)

Two members have letters on their files that Qantas will not remove. These words are used -

"Qantas considers that your recklessness and negligence on this occasion has seriously impacted on the trust and confidence that is necessary for the company to have in you as an employee performing supervisory roles."

In defence of our members the following submissions were not taken into account –

- Tow markings were reported to be incorrect
- Our members were not trained and assessed by a qualified person
- The local area procedures were wrong and changed within days

"To undertake supervise and certify for the safety of all who fly."

- The tow was conducted as it always had been (a norm)
- The JUST policy was not followed by the airline

At the end of the day, the Qantas procedures are at times too complicated to practically follow and LAMEs make decisions to get the job done. We now know why they are so complicated, it so they can blame whoever they like when something goes wrong. In the case above, the failings of management were disregarded; the manager responsible for the above failures was the same manager who investigated the incident and found our members guilty for breaching petty rules that in no way contributed to the incident.

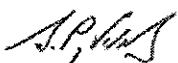
What this all means is that DMM's, Supervisors, Senior LAMEs and LAMEs can be made a scapegoat and take responsibility for any error that occurs. To protect your income and reputation we strongly recommend that all LAMEs at any level take the following steps –

- Do not assign (as a supervisor) or take part in any aircraft tow with an AME as either the PIC or person in the cockpit as you may be held accountable for any mistake
- Do not assign (as a supervisor) or take part in any aircraft tow unless all persons involved (including marshallers) are together prior to the tow for a formal briefing
- Sight the towsafe card of every person involved prior to the tow
- Read the procedures thoroughly before each tow to check compliance with all its aspects
- Report all minor breaches of procedures, undue pressure or bullying on cross reports with reports forwarded to the ALAEA for follow up
- Do not make any statements to any person if Qantas are attempting to investigate any breach for a MEDA or other purpose without talking to the ALAEA first

The ALAEA have attempted at all levels to highlight to management that punitive measures against our members cannot be taken as they had been in this case. Unfair punishment and abuse of the JUST policy will lead to error concealment, a less safe workplace and may degrade air safety.

Generally we can say that the ALAEA have and will always remain available to work with the airline co-operatively. Aircraft towing and any change to the role person's play must be discussed formally with us before the above recommendations are changed. During these discussions we would endeavour to retain LAME functions were appropriate and ensure that LAMEs at all levels are not to be held accountable for management failures.

We have been disappointed with many actions (or inactions) of the airline this year and the Avalon towing incident is just one example of many. The ALAEA placed much faith in the management changes that took place in late 2008 and have given Alan's new team ample opportunity to build a new relationship between the parties. In our view, a campaign of buggery against Qantas and Forstaff members is continuing today, only this time, the new management team have a smile on their face when they deliver their blows. To counter this, the ALAEA Executive made a number of decisions yesterday that will be implemented in the coming period. Any member seeking further assistance or guidance can contact our office.



STEVE PURVINAS
Federal Secretary



Qantas Engineering

16 January 2009

BY HAND

Dear **SLII**

Incident on 18 November 2008 involving VH-OJM and VH-OJK

I refer to the Company's letter of allegations to you dated 8 December 2008 and our meetings on 11 December 2008 and 23 December 2008 in relation to this investigation.

The investigation into the allegations is now complete and the findings of the investigation are as follows:

You are employed by Qantas Airways Limited (Qantas) as a LAME level **x** and are currently required to perform the duties of Senior LAME 2. On 18 November 2008 you were involved in the tow of OJM from the Fuel Farm to the Engine Ground Run Area (the tow). During the investigation you denied that **SPRVSR**, Hangar Supervisor, directed you to conduct the tow. You stated that **SPRVSR** asked you to "drive the tug" in the tow of OJM and did not otherwise instruct you in the conduct of the tow. Based on all of the information obtained in the investigation I am satisfied that **SPRVSR** allocated the tow to your crew and instructed you to be the tug driver during the tow.

Allegation 1

You were the Senior LAME in charge of the tow of OJM. You were responsible for the conduct of the tow and the group of employees involved in the tow.

During our meeting on 23 December 2008 you confirmed that you were the Senior LAME in charge of the crew responsible for the tow. You stated that as the Senior LAME, you had instructed **HEADSET** to be the Person In Charge (PIC). You also stated that although **SPRVSR** asked you to drive the tug, he did not assign any roles and responsibilities to anyone in relation to the tow.



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Based on the information obtained in the investigation, including your responses during our meetings, I am satisfied that in preparation for the tow and during the tow you gave instructions to ~~BLAKES~~, ~~WING~~ and Mr ~~HEAD~~ who were the other employees directly involved in the Tow. I am satisfied that you generally directed the conduct of the tow.

Based on all of the information obtained in the investigation I am satisfied that you were the Senior LAME in charge of the tow and that you were responsible for the conduct of the tow and the group of employees involved in the tow.

In addition, since you were the Senior LAME on the hardstand during the tow and was not present, I am also satisfied that during the tow you had the role and responsibility of Aircraft Supervisor. Therefore you were responsible for controlling the safe movement of the aircraft during the tow.

This allegation is therefore substantiated.

Allegation 2

You failed to properly assign positions and responsibilities to the staff involved in the tow.

Mr ~~HEADSET~~

During our meetings you stated that you approached Mr ~~HEAD~~ on the hardstand and said to him words to the effect of "you take the headsets." You also checked Mr ~~HEAD'S~~ Towsafe card at this time. However, you stated that you did not provide Mr ~~HEAD~~ with any specific instruction in relation to his role in the tow because, in your view, he was well qualified and up to date with his training. You stated that you were confident that Mr ~~HEAD~~ understood that he was to carry out the role of PIC.

Based on all of the information in the investigation, including information from Mr ~~HEAD~~, I am satisfied that you did not adequately instruct Mr ~~HEAD~~ on the nature of his responsibilities. I find that you did not properly assign the role of PIC to Mr ~~HEAD~~ and that you were reckless and negligent in failing to ensure that he understood his responsibilities.

Further, I find that your conduct during the tow, including by instructing Mr ~~WING~~ and Mr ~~BLAKE~~ and by instructing Mr ~~HEAD~~ to remain in the tug in circumstances where the tug driver is required to take instructions from the PIC, led to confusion and raised doubt as to who was in charge of the tow.

Mr ~~WING WALKER~~

In our meetings you stated that:

- You did not assign the role of marshaller to Mr ~~WING~~. He undertook this role himself because he was a motivated LAME.
- You got out of the tug during the tow and told Mr ~~WING~~ to watch the wing clearance because you were concerned about the wing clearance.
- Mr ~~HEAD~~ was the PIC and therefore he was responsible for assigning marshalls and wing walkers, however you spoke to Mr ~~WING~~ in order to assist Mr ~~HEAD~~.

Based on the information in the investigation I am satisfied that you took on the responsibility of briefing Mr ~~WING~~, however you did not assign Mr ~~WING~~ the role and responsibilities of marshaller before the tow had commenced and did not adequately explain his role to him.

Based on the information in the investigation, I am also satisfied that you did not assign any other person the role of marshaller or wing walker.

Mr BRAKE

During our meeting you admitted that you had a discussion with Mr BRAKE in the C-zone of OJM prior to the tow commencing, during which you told him that he would be "on the brakes" during the tow, however you gave him no further instructions in relation to the tow.

This allegation is therefore substantiated.

Allegation 3

You failed to ensure that the role of Person in Charge (PIC) was performed either by you or someone else including ensuring that:

- a. A pre-tow briefing occurred;*
- b. The Towsafe Cards of the staff involved in the tow were checked;*
- c. Marshalls/ wing walkers duties were allocated as required;*
- d. Marshalls were equipped with horns, whistles, wands, radio communication or communication headsets prior to the commencement of the tow; and*
- e. The PIC walked outside of the tug observing the marshalls while the tow was occurring in a confined space.*

During our meetings you stated that you had assigned the role of PIC to Mr HEAD and therefore you were not responsible for ensuring that the role of PIC was performed properly. As stated above in relation to allegation 2, I find that you did not adequately assign the role of PIC to Mr HEAD and that your conduct during the tow led to confusion as to who was responsible for carrying out the responsibilities of PIC.

Further, even if you had appropriately or sufficiently assigned Mr HEAD as PIC, as the Senior LAME and Aircraft Supervisor, you had ongoing responsibility for the conduct of the tow and the people involved in it, which you were not able to abrogate.

I find that as the Senior LAME responsible for the conduct of the tow, you had an obligation to ensure that Mr HEAD carried out the role of PIC, including each of the steps set out in a (a) to (e) above, and that by failing to act when you knew that Mr HEAD had not carried out each of these steps, you were reckless or negligent.

In relation to allegation (a), you admitted that you spoke to Mr WING and Mr BRAKE and gave them instructions in relation to the tow and that you did not see Mr HEAD talking to the crew members prior to the tow. You stated that in your view there was no need to talk to the employees individually because everyone knows their responsibilities.

Based on information from members of the crew involved in the tow I am satisfied that no pre-tow briefing occurred as required by the towing procedures. Although you spoke to two employees individually, you did not conduct a pre-tow briefing as required, including two way discussion with the crew about the intended tow route, identified hazards and other specific information required to increase the group's overall situational awareness. Even if you had assigned the role of PIC to Mr HEAD you failed to ensure that Mr HEAD conducted a pre-tow briefing and failed to instruct him to do so when it was clear to you that this had not occurred.

In relation to allegation (b), you stated that you checked Mr HEAD's Towsafe card when you told him to take the headsets. Although you spoke directly to Mr WING and Mr BRAKE about their responsibilities during the tow, you failed to check their Towsafe cards. Given that you took the responsibility for instructing Mr WING and Mr BRAKE, I find that you were required to check their Towsafe cards, as you were at this time performing part of the functions of the PIC, regardless of whether you had assigned Mr HEAD this role.

In relation to allegation (c), you stated that you did not assign people to the positions of wing walkers or marshalls because this was the responsibility of the PIC. You stated that you got out of the tug to speak to Mr WING who had positioned himself under the radome of OJK, because you were concerned about wing clearance.

I am satisfied that you did not assign the role of marshaller to Mr WING or to anyone else, and that the number and positioning of marshalls and wing walkers observing the tow was inadequate and in breach of procedure. I am also satisfied that you were aware before the tow commenced the Mr HEAD had not assigned marshalls/ wing walkers in circumstances where there was another aircraft parked in close proximity to OJM, and that you failed to ensure that he did this.

Although you attempted to rectify the situation by speaking with Mr WING who had taken the marshaller responsibilities upon himself, this does not excuse your initial failure to properly prepare for the tow or to ensure that Mr HEAD properly prepared for the tow. In addition to Mr WING acting as a Clearance Marshaller you should have appointed Wing Walkers due to the proximity of VH-OJK in the tow.

In relation to allegation (d), you stated that you were not responsible for ensuring the marshalls were properly equipped because you had allocated the role of PIC to Mr and therefore this was his responsibility. You also stated that horns and whistles were available but were not used because the APUs of both aircraft were running and, in addition, there is a practice at Avalon to only use horns and whistles when towing aircraft in and out of the hangar.

The towing procedures clearly require that marshalls are equipped with aerosol warning horns and whistles in all circumstances and that where there is excessive ambient noise additional precautions are used as well. I find that, regardless of whether you had assigned Mr WING the role of PIC, since you took on the responsibility of instructing Mr during the tow and were aware that Mr HEAD had not previously briefed him on his role, you were responsible for checking that Mr WING was properly equipped with a horn or whistle as required. You failed to do so.

Information obtained from witnesses confirms that there is a practice at Avalon of only using horns and whistles when an aircraft is towed in or out of the hangar. Although this practice was a contributing factor, it does not mitigate the seriousness of your conduct. Given the particular circumstances of this tow, where two aircraft were close together, you should have taken the precaution of providing the marshalls with all the required equipment in strict compliance with procedures.

In relation to allegation (e), you stated that there had been a delay and you therefore instructed Mr HEAD to "wait in the tug". You stated that you had been comfortable with the way the tow was going and did not foresee any problems until you heard Mr HEAD say "stop the tow."

"Since the tow was occurring in close proximity to another aircraft, the PIC should have been walking next to the tug until OJM had cleared OJK. Your conduct by instructing Mr HEAD to wait in the tug was reckless and negligent since this limited Mr HEAD's ability to see the aircraft and Mr WING, in circumstances where you had not provided Mr WING with a horn or whistle and therefore visual communication was the only means of communicating during the tow. Although you have stated that Mr HEAD was the PIC, you remained the Senior LAME in charge of the tow and therefore Mr HEAD followed your instructions.

This allegation is therefore substantiated.

Allegation 4

Before the tow commenced you asked WING WALKER, LAME, to stay positioned under the radome of OJK and monitor the aircraft clearance, however you failed to:

- a. *check his Tow Safe Card;*
- b. *ensure that he was equipped with marshalling equipment as required; and*
- c. *properly communicate his role in the tow to him.*

In response to this allegation you stated that you did not ask Mr WING to stay positioned under the radome of OJK. Rather, he positioned himself there on his own initiative. Information obtained from Mr WING supports that this occurred.

You stated that you got out of the tug during the tow because you were concerned about wing clearance. You then instructed Mr WING to indicate clearance by giving the thumbs up sign and waving his arms.

Based on all of the evidence in the investigation, I am satisfied that you took on the responsibility of giving Mr WING instructions in relation to the tow and therefore assumed this part of the PIC's responsibilities. I am satisfied that you did not check Mr WING'S Towsafe Card. I am also satisfied that you did not ensure that Mr WING was equipped with the proper marshalling equipment, although I accept that there was a practice at Avalon of not using this equipment outside of the hangars.

Although you did instruct Mr WING to indicate clearance, you did not otherwise communicate his role in the tow, including by discussing the tow route, identifying hazards and providing him with further specific information to increase his overall situational awareness.

This allegation is therefore substantiated.

Qantas considers that your conduct amounts to recklessness and optimising or negligent behaviour and is in breach of the terms and conditions of your employment with Qantas and the following policies and procedures:

- Qantas Group Standards of Conduct Policy, including but not limited to the following sections:
 - 4.1(c) – Employees are required to conduct themselves in a manner consistent with Company and Qantas Group policies and procedures;
 - 4.3(b)(v) Employees must work safely and ensure the health, safety and security of themselves, other Staff, customers and Company assets
 - 4.3(c)(iii) Employees must ensure that their behaviour or actions do not cause the Company or the Qantas Group public embarrassment or bring the image of the Company or the Qantas Group into disrepute

- 5.18 Unacceptable behaviour includes not adhering to safety and security procedures and standards, including failure to have Identification (ID) Card appropriately displayed at all times;
- 5.20 Unacceptable behaviour includes failure to comply with any Company or Qantas Group policy.
- Local Area Procedure – Towing – Avalon Heavy Maintenance Facility – HMAVV 3-30-002
- Qantas Engineering Procedures Manual – Aircraft Towing Procedure 3-30-001
- 747-400 Aircraft Maintenance Manual 09-11-00 - Towing Maintenance Practices

As you are aware, Qantas employees are expected to comply with all Qantas policies and procedures at all times during their employment.

Although Qantas acknowledges that there were other contributing factors that led to the collision between OJM and OJK, your conduct in failing to follow the towing procedures and in failing to properly supervise the tow was a substantial contributing factor to the incident. This incident caused significant damage to both aircraft and gave rise to a safety risk for people working in the area.

Outcome

In considering what disciplinary action would be a fair and appropriate response to your conduct, we considered a range of factors including, but not limited to, your employment record for the duration of your employment with the Company, your length of service and the information you provided during the investigation.

Qantas considers that your recklessness and negligence on this occasion has seriously impacted on the trust and confidence that it is necessary for the Company to have in you as an employee performing supervisory duties. We have serious concerns about your leadership and risk management capabilities.

You are now formally warned that any further conduct by you which is in breach of Qantas policies or procedures and/or your contract of employment may result in further disciplinary action against you, which could include termination of your employment with Qantas.

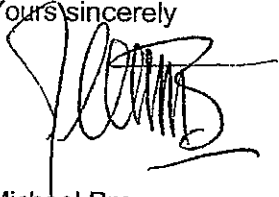
In addition, you will be put on a performance improvement plan with a 6 month review period. As part of this plan you will not be required to perform Senior LAME duties and accordingly, you will no longer receive the supervisory allowance for Senior LAME 2. You will be required to complete further training in Towing, Supervision, Delegation and Team Management. These programs will be tailored to your needs. If the Company is satisfied that you are capable of performing Senior LAME duties at the conclusion of the 6 month review period, you will be able to again perform these duties.

This letter will be placed on your personal employment file, as a letter of warning.

An employee aggrieved by disciplinary action may appeal the decision under the Qantas Employee Appeals Policy, a copy of which is attached. If you intend to appeal the decision to issue you with a warning and place you on a performance improvement plan, please provide your written appeal, setting out the grounds on which the appeal is made, to David Hyland, GGM Aircraft Maintenance Services, **within 7 days** of receipt of this letter. If you fail to exercise this right of appeal within 7 days, the Company's decision shall be final.

If you wish to discuss the contents of this letter, please contact me on extension 6-7901.

Yours sincerely

A handwritten signature in black ink, appearing to be 'M. Brown', written over a vertical line that extends from the text below.

Michael Brown
General Manager Heavy Maintenance

Attachments

1. Qantas Group Employee Appeals Policy