

REVISED SUMMARY OF SUBMISSIONS – TECHNICAL AND DRAFTING

This table is a summary of submissions on technical and drafting issues lodged for this award on or before 5.00pm on 29 November 2016.

The summary has been revised to include feedback from the hearing on 6 December 2016 ([Transcript](#)).

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
1	AAAA	Sub-30/6/16	2	Definitions – aerial application In anticipation of a revision of the classification of operations by CASA, definition should be extended to include firebombing operations	Page 4	
	AIG	Reply-25/7/16		Refers to substantive change – should be referred for discussion during a conference before a Member of the Commission	Para 83	
	AFAP	Reply-6/12/16		Believes proposal is a substantive change	Pg 1	
2	AAAA	Sub-30/6/16	2	Definitions – application material Extend to include ‘fire retardant or foam’	Page 4	
	AIG	Reply-25/7/16		Refers to substantive change – should be referred for discussion during a conference before a Member of the Commission	Para 83	
	AFAP	Reply-6/12/16		Believes proposal is a substantive change	Pg 1	
3	AIG	Sub-30/6/16	2	Definitions – appropriate accommodation Reference to C.1.4 should instead be to C.1.2 – appears to be drafting error	Para 169	
	AFAP	Reply-6/12/16		Agrees with altered reference	Pg 2	
4	AAAA	Sub-30/6/16	2	Definitions - CAO CAO’s are to be repealed as new CASRs are introduced	Page 4	
	AIG	Reply-25/7/16		Refers to substantive change – should be referred for discussion during a conference before a Member of the Commission	Para 83	

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	AFAP	Reply-6/12/16		Believes proposal is a substantive change	Pg 2	
5	AAAA	Sub-30/6/16	2	Definitions – CAR CARs only refer to part of the regulatory suite under the Civil Aviation Act. Definition should cover newer Civil Aviation Safety Regulations.	Page 4	
	AIG	Reply-25/7/16		AIG submits this refers to substantive change – should be referred for discussion during a conference before a Member of the Commission	Para 83	
	AFAP	Reply-6/12/16		Believes proposal is a substantive change	Pg 2	
6	AAAA	Sub-30/6/16	2	Definitions – chief pilot Should include that Chief pilot may also be called the Head of Flying Operations (HOFO) – see CASR Part 137.	Page 4	
	AIG	Reply-25/7/16		AIG submits this refers to substantive change – should be referred for discussion during a conference before a Member of the Commission	Para 83	
	AFAP	Reply-6/12/16		Believes proposal is a substantive change	Pg 2	
7	AFAP	Sub-30/6/16	2	Definitions – Duty time <i>In response to the question raised by Commission:</i> Definition of ‘duty time’ should be as provided under pre-reform Pilots’ (General Aviation) Award 1998 (AP 7922332)	Page 2	
	QANTAS	Sub-30/6/2016		Should not be defined in award	Item 1, Page 2	
	QANTAS	Reply-21/7/16		Disagree with AFAP submission - not appropriate to reinstate definition from pre-reform award. Current award was a result of extensive consultation and concepts within it are well understood.	Para 5	
	AIG	Reply-25/7/16		Agree with QANTAS submission. Oppose AFAP submission.	Para 74	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
8	AIG	Sub-30/6/16	2	Definitions – home base (pilots employed subject to Schedule E of this Award) Reference to Schedule E should instead be to Schedule D – appears to be drafting error.	Para 170	
	AFAP	Reply-6/12/16		Agree to change in reference	Pg 2	
9	AIG	Sub-30/6/16	2	Definitions – home base (pilots employed subject to Schedules B, C or D of this Award) References to Schedules B, C or D should instead be to Schedules A, B or C.	Para 171	
	AFAP	Reply-6/12/16		Agrees to change in reference	Pg 2	
10	AIG	Sub-30/6/16	4.1	Coverage Change to clause has substantive effect and does not make provision simpler or easier to understand. Reference to ‘air pilots industry’ and the exclusion of other modern awards are particularly problematic.	Paras 172-183	
	QANTAS	Reply-21/7/16		Agree with AIG that clause should not be amended. Introduction of concept of ‘industry’ in occupational award may result in ambiguity and uncertainty.	Para 3	
	AFAP	Reply-6/12/16		Does not agree with clause being amended	Pg 2	
11	QANTAS	Sub-30/6/2016	7.4	Facilitative provisions Clause 19.1(c) can be added to the list	Para 2	
	AIG	Sub-30/6/16		Table does not properly reflect clause 15.3 which provides for an agreement between the employer and a majority of employees, not an individual employee. Clause 7.4 should be amended by deleting the words ‘An individual or’.	Paras 184-186	
	QANTAS	Reply-21/7/16		Agree with AIG submission	Para 4	
	AIG	Reply-25/7/16		Do not oppose QANTAS submission that 19.1(c) be inserted.	Para 75	

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	AFAP	Reply-6/12/16		Agrees to 19.1(c) being added to the list and clause 7.4 be amended by deleting the words ‘an individual or’	Pg 2	
12	AFAP	Sub-30/6/16	8.2	Probation <i>In response to the question raised by the Commission:</i> Last sentence of clause 8.2 should remain	Page 3	
	QANTAS	Sub-30/6/2016		Last sentence should be deleted	Item 1, page 2	
	AAAA	Sub-30/6/16		No view either way – being a seasonal industry, probation is generally shorter than 6 months anyway.	Page 11	
13	AFAP	Sub-30/6/16	9	Casual employment – definition of terms ‘flying hour’ and ‘flight time’. <i>In response to the question raised by the Commission:</i> Unnecessary to define ‘flying hour’. ‘Flight time’ should be defined as under clause 3.19 of the pre-reform Pilots’ (General Aviation) Award 1998 (AP 7922332)	Page 3	
	QANTAS	Sub-30/6/2016		Definition of ‘flying hour’ from Aircraft Cabin Crew Award should be included.	Page 3	
	QANTAS	Reply-21/7/16		‘flying hour’ and ‘flight time’ are interchangeable terms. No issues with AFAP proposed definition of ‘flight time’ but same definition should also be used in Aircraft cabin Crew Award.		
14	AFAP	Sub-30/6/16	9.5(b)	Minimum payments Reference to clause 9.5 should be a reference to 9.5(a)	Page 3	
	AIG	Reply-25/7/16		Do not oppose amendment proposed by AFAP	Para 76	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
15	AAAA	Sub-30/6/16	15.4	If this clause seeks to mirror the requirements in CASA regulation, then it should be checked against the new CAO 48.1. The provisions listed here, while not applying to aerial application, appear to be more restrictive than CAO 48.1 for certain operations. AAAA suggests that as CASA has the carriage of fatigue management issues, and the risk of the provisions of this award creating inconsistencies between two requirements is significant. Serious consideration should be given to simply referring to the requirements of the relevant CASA regulations rather than recreating them here.	Page 16	
	AFAP	Reply-6/12/16		Does not support amendments to this clause	Pg 3	
16	AAAA	Sub-30/6/16	19.1(a)	Frequency of payment Is this exemption meant to apply to the whole of Part 19? If so, it should be placed above 19.1 rather than in it and thereby limited only to 'Frequency of Payment' issues.	Page 20	
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 3	
17	AAAA	Sub-30/6/16	21	Accident pay There seems to be a contradiction introduced here between Clause 21.2 and 21.4. Clause 21.2 is clearer in its clarification regarding the exclusion of commission for aerial application operations. The reference to aerial application in 21.4 could simply be removed.	Page 24	
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 3	

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18	AAAA	Sub-30/6/16	21.11	Accident insurance Attainment of insurance for aerial application pilots is sometimes simply not available. Check previous clauses in this regard from 2010 award	Page 25	
	AFAP	Reply-6/12/16		Believes change is substantive	Pg 3	
19	AAAA	Sub-30/6/16	21.12	Pilot indemnity The inclusion of negligence here is problematic, especially when compared to the final sentence that provides an exclusion. The final sentence should remain and the 'negligence' reference should be removed. Check against 2010 clause.	Page 25	
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 3	
20	AAAA	Sub-30/6/16	22.4	Superannuation Fund An additional bullet should be added to ensure that the employee can nominate a fund. While that power is here in the first sentence, it is not as clear as if it were put as an option a)	Page 26	
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 3	
21	AIG	Sub-30/6/16	32	Transfer to lower paid job on redundancy Heading is anomalous, should be replaced with 'Transfer to lower paid duties by reason of redundancy'.	Paras 187-190	Qantas support AIG submission. See Transcript-6Dec16 [PN236] May be dealt with by plain language FB. See Transcript-6Dec16 [PN241-246].
	AFAP	Reply-6/12/16		Agree to change	Pg 3	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
22	AIG	Sub-30/6/16	33	Employee leaving during redundancy notice period Cross reference in clause 33 should be replaced with references to clauses 32 and 34. This will ensure provision does not deviate substantively from current clause in 13.3.	Paras 191-193, page 42	Qantas support AIG submission. See Transcript-6Dec16 [PN236] May be dealt with by plain language FB. See Transcript-6Dec16 [PN241-246].
	AFAP	Reply-6/12/16		Agree to change	Pg 4	
23	AIG	Sub-30/6/16	34.2	Job search entitlement - redundancy Current clause 13.4(c) has not been included in ED. Clause should be retained to make clear where clause 34.2 of ED applies, entitlement under clause 34.1 does not arise.		Qantas support AIG submission. See Transcript-6Dec16 [PN236] May be dealt with by plain language FB. See Transcript-6Dec16 [PN241-246].
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 4	
24	AFAP	Sub-18/7/16	Sch A.1.3	Classifications and minimum salaries Remove reference to 'Senior Commercial Pilots' License' – obsolete terminology.	Page 1	
	QANTAS	Reply-21/7/16		Agree with AFAP submission to remove obsolete term.	Para 10	
25	AFAP	Sub-30/6/16	Sch A.1.6	Classifications and minimum salaries – First Officer/Second Pilot Reference to 'clause A.1.3 (a), (b) or (c)' should read 'A.1.3 (a), (c) or (d).'	Page 3	
	AIG	Sub-30/6/16		Same as above.	Para 195	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
26	QANTAS	Sub-30/6/2016	Sch B.1.1	Classifications, Minimum Salaries and Additions to Salaries Regional Airlines <i>In response to the question raised by the Commission:</i> Reference to 'Beechcraft 55' should be 'Beechcraft 55'	Page 2	
	AIG	Reply-25/7/16		Agree with QANTAS submission	Para 78	
	AFAP	Reply-6/12/16		Agree with submission	Pg 4	
27	AFAP	Sub-18/7/16	Sch B.1	Alter references to 'Beecherall' and "Beechrall' to 'Beechcraft'.	Page 1	
28	AAAA	Sub-30/6/16	Sch C.2.3	Sector Specific Conditions–Aerial Application Operations–Hours of work Is there a need to add something here regarding days off due to weather, lack of work etc to come off this tally? i.e the figure calculated should be net of all days already taken off as agreed.	Page 46	
	AFAP	Reply-6/12/16		Proposed change is substantive	Pg 4	
29	AAAA	Sub-30/6/16	Sch C.6.3	Personal leave <i>In response to the question raised by the Commission:</i> In a seasonal industry, this clause is critical and provides for leave to be generally taken in the 'off' season. AAAA fully supports the retention of this clause and does not see it unreasonably interfering with the requirements of the NES.	Page 48	

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				Clause 33 of the NES specifically provides for agreement between employer and employee on when leave is to be taken (in addition to the facilitative and flexibility of the Air Pilots Award) and AAAA sees clause 6.3 as providing useful additional guidance to both employees and employers in a highly seasonal industry.		
	AFAP	Reply-6/12/16		Maintains position	Pg 4	
30	AAAA	Sub-30/6/16	Sch C.8.1	Protective Clothing Change terminology from 'crash helmet' to 'flight helmet'.	Page 48	
	AFAP	Reply-6/12/16		Clause should not be amended as proposed	Pg 4	
31	AAAA	Sub-30/6/16	Sch C.9.5	Minimum additions to minimum salary– commission Add 'firebombing' to second bullet point. Change 'sundry' to 'similar'.	Page 49	
	AFAP	Reply-6/12/16		Proposed changes are substantive	Pg 4	
32	AAAA	Sub-30/6/16	Sch C.9.6	Training and/or checking Need to update terminology to reflect changes to CASA Part 61 – replace 'agricultural pilot' with 'application pilot'. Could make transitional mention of 'formerly agricultural pilots'. The former '3% of the base rate' should not be changed to a dollar amount (\$22.96). Where it says '100% of the commission payable' – unless they are conducting a spray job, there won't be a commission – error?	Page 49	
	AFAP	Reply-6/12/16		Proposed changes are substantive	Pg 5	

ITEM	PARTY	DOCUMENT	CLAUSE (exposure draft)	SUMMARY OF ISSUE	THEIR REFERENCE	NOTES
33	AFAP	Sub-30/6/16	Sch E.2.2	Summary of hourly rates of pay Wage rates for casual regional airline employees are incorrect (except for Group 2 Captain rate). See submission for proposed amendment.	Pages 3-5	
	QANTAS	Reply-21/7/16		AFAP's calculations do not appear to take into account the revised rates of pay in the current award which took effect from 1 July 2016. Submit that the Commission may wish to prepare revised schedules for review prior to hearing.	Para 8	
	AIG	Reply-25/7/16		Appears that AFAP submission is based on earlier iteration of ED. Concern doesn't arise in later iteration of ED, published 7 June 2016.	Para 82	
	AFAP	Reply-6/12/16		Acknowledges calculations made prior to publication of rates that took effect from 1 July 2016. Commission may wish to prepare revised schedules for review	Pg 5	
34	AFAP	Sub-30/6/16	Sch E and F	Summary of hourly rates of pay and Summary of monetary allowances Tables reflecting casual rates of pay as set out in Sched E should also include references to amounts reflecting the wage-related allowances set out in Sched F for casual pilots in General Aviation (see proposed amounts in sub)	Page 6	
	QANTAS	Reply-21/7/16		In response to AFAP - Not necessary to include allowances expressed on an hourly basis for casual employees.	Para 9	
	AIG	Reply-25/7/16		Agree with QANTAS – not necessary to include summary of hourly rates for casuals. Already prescribed in Schedule A and summarised at	Paras 79-81	

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				Schedule F – numerous notes or references may result in schedule that is unwieldy and confusing.		
35	AFAP	Sub-30/6/16	Sch E.2.4	Casual off-shore adult helicopter operations employees Reference to “Twin over 9000 l” on page 65 should read “Twin over 9000 lbs”	Page 7	
36	AFAP	Sub-18/7/16	Sch F.1	Summary of monetary allowances – wage related allowances Remove reference to ‘Senior Commercial Pilots’ License’ – obsolete terminology.	Page 1	
	QANTAS	Reply-21/7/16		Agree with AFAP submission to remove obsolete term.	Para 10	
37	AFAP	Reply-6/12/16	F.3.1(b)	<i>In response to the question raised by the Commission:</i> The applicable consumer price index figure in D.6.6(c)(i) should be included in clause F.3.1(b)	Page 1	See Transcript-6Dec16 [PN219].

List of abbreviations (in alphabetical order)

AAAA	Aerial Application Association of Australia
AFAP	Australian Federation of Air Pilots
AIG	Australian Industry Group
ED	Exposure draft
QANTAS	QANTAS Group