



National Research Centre  
Ground Floor,  
133 Parramatta Road  
Granville NSW 2142  
T: (02) 8868 1500

## AM2016/3 Proposed Helicopter Aircrew Award

### Introduction

1. This submission is made by the “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (**AMWU**) in accordance with the directions made by the Full Bench on 15 February 2022.

### Background

2. On 10 December 2014 the AMWU made application for a new modern award to cover the occupation of ‘helicopter aircrew’.
3. In a decision on 4 May 2020 the Fair Work Commission determined that it was appropriate to vary the Air Pilots Award to incorporate helicopter aircrew rather than making a new award.<sup>1</sup>
4. On 17 September 2021 the Fair Work Commission issued a statement and draft award for comment.<sup>2</sup>
5. On 12 November 2021 the AMWU filed its submissions in response to the draft award.
6. On 15 February 2022 the Fair Work Commission issued a decision finalising proposed variations to the Air Pilots Award 2020 to incorporate Helicopter Aircrew classifications and associated entitlements (**15 February Decision**).
7. In the 15 February Decision, the Full Bench also expressed the provisional view that variation of the Air Pilots Award 2020 as set out in a draft determination published simultaneous to the Decision is necessary to accommodate coverage of helicopter aircrew within the pilots award and that the variations are necessary to achieve the modern awards objective.<sup>3</sup>

### AMWU’s Response to the Provisional Views

8. The AMWU agrees with the provisional views, subject to the below proposed changes to the draft determination.

<sup>1</sup> 4-yearly review of modern awards – Proposed Helicopter Aircrew Award [2020] FWCFB 2325.

<sup>2</sup> 4-yearly review of modern awards – Proposed Helicopter Aircrew Award [2021] FWCFB 5505.

<sup>3</sup> 4-yearly review of modern awards – Proposed Helicopter Aircrew Award [2022] FWCFB 14 [27].

**Lodged by:** AMWU National Research Centre Telephone: +61 2 8868 1500

**Address for Service:** Ground Floor, 133 Parramatta Rd, Granville NSW 2142 Email: Gabriel.miller@amwu.org.au

## **Response to Draft Determination**

### Item 141 clause E.3.6

9. The AMWU has had the benefit of reviewing an early draft of the submission filed by Babcock. The AMWU agrees with that submission, in particular that the all purpose allowance clause E.3.6 does not reflect the clause the parties agreed to.
10. The AMWU therefore submits that E.3.6 in item 141 of the draft determination should be amended as follows (proposed amendments are marked up using strike through and underline):

~~*(a) Any allowance which is paid to an employee for their ordinary rostered days is an all purpose allowance.*~~

~~*(b)*~~ *(a) All-purpose allowances applicable to helicopter aircrew under this award include the following:*

*(i) Additional qualifications – supervisory aircrew;*

*(ii) Night vision goggle operation allowance;*

*(iii) Mobile intensive care ambulance allowance.*

11. This is consistent with the clause the AMWU proposed previously, which as identified by Babcock<sup>4</sup>, was an agreed position.

### Item 141 Clause E.4.2

12. There appears to be an inadvertent clause numbering error in clause E.4.2. The AMWU proposes that the sub-clause numbering should begin at (a), with the remaining sub-clauses in E.4.2 being amended as (b)-(g) accordingly.

## **Response to Draft Air Pilots Award 2020**

13. As identified in the Babcock and CHC submission<sup>5</sup> there are some discrepancies between the draft award and the amendments proposed in the draft determination.
14. The AMWU has identified further issues with the draft award in addition to those identified by Babcock and CHC, but does not list them here on the basis that the AMWU's understanding is that the amendments as set out in the draft determination overtake those set out in the draft award, and that it is the draft determination that will be used to facilitate the necessary variations to the Air Pilots Award 2020.<sup>6</sup>

## **Conclusion**

15. The AMWU agrees with the provisional view expressed in the 15 February Decision, and submits that the Air Pilots Award 2020 should be varied on the bases set out in the draft

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<sup>4</sup> Submissions of CHC Helicopters and Babcock of 24 February 2022 [9].

<sup>5</sup> Submissions of CHC Helicopters and Babcock of 24 February 2022 [11].

<sup>6</sup> 4-yearly review of modern awards – Proposed Helicopter Aircrew Award [2022] FWCFB 14 [27].

determination, subject to the minor amendments as outlined in paragraphs [8]-[11] of this submission.

**END**

**AMWU NATIONAL RESEARCH CENTRE**

24 February 2022