

IN THE FAIR WORK COMMISSION

Matter No.: AM2016/3
Re Application by: “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union”
known as the Australian Manufacturing Workers’ Union (AMWU)

Outline of Submissions

1. These submissions are made to address the outstanding matters identified by Vice President Hatcher in the telephone Report Back conference conducted on 15 October 2021 in relation to the proposed variation to the *Air Pilots Award 2020* (“**Award**”).
2. These submissions are made on behalf of both Babcock Mission Critical Services Australasia Pty Ltd (“**Babcock**”) and Lloyd Helicopters Pty Ltd (“**CHC**”).

Standard Rate

3. The definition of standard rate for aircrew in the exposure draft had previously been accepted by the parties and was contained in previously submitted drafts.
4. In the Report Back, we objected to an outcome that resulted in the Night operations and Overseas Duty allowances being higher for aircrew than pilots as being an unintended consequence.
5. After conferring with the AMWU, Babcock and CHC understand that AMWU is withdrawing its submissions that clause 20.2(b) and (d) – Night operations and Overseas Duty should be adjusted to be aligned to the standard rate for aircrew rather than pilots.¹ If that is accepted, and if those two allowances are adjusted relevantly in future by the standard rate for pilots, we have no further concern with the standard rate definition.
6. The MICA allowance and aircrew NVG allowances were already calculated and agreed from the definition of aircrew standard rate as drafted. Babcock and CHC do not oppose that because these are new allowances specifically inserted and relevant only to aircrew.

Night Vision Goggle Allowance and MICA allowance

7. The Vice President proposed at the conference that if AMWU wanted to pursue conversion of the night vision goggle allowance to an hourly all-purpose allowance it should put in a proposal for Babcock and CHC’s response.² Babcock and CHC have had the opportunity to review the AMWU’s draft proposals for the purposes of these submissions. In response to the AMWU’s draft proposals:

¹ Transcript of Proceedings, *Re Application by “Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union” known as the Australian Manufacturing Workers’ Union (AMWU)* (Fair Work Commission, AM2016/3, Hatcher VP, 15 October 2021) at PN63-PN66

² Transcript PN117-20.

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- (a) That the night vision goggle allowance is an all purpose allowance is consistent with the previous agreements and submissions and the companies do not object to its inclusion.
- (b) There is no equivalent to the MICA allowance for pilots. The companies therefore agree to its inclusion as an all-purpose allowance, consistent with previous submissions and agreement between the parties.
- (c) The companies do not object to the night vision goggle and MICA allowances being characterised as weekly payments to achieve clarity as suggested by AMWU.
- (d) The companies agree that there should be a clause that clearly sets out the all-purpose allowances that are in the schedule. The companies have had the opportunity to review the AMWU's proposed clause and agree with that wording.

Training Bonds

- 8. The issue of training bonds for helicopter aircrew has not been the subject of detailed submission or evidence in this matter to date. For context and comparison, the insertion of a training bond clause for pilots in the Award was subject of multiple submissions and hearings involving several parties, which spanned some three to four months.³
- 9. CHC and Babcock therefore submit that, in the absence of a similar detailed process for aircrew to arrive at a determination, the training bonds clause should not at this late stage be extended to aircrew for the purposes of introducing the proposed aircrew schedule into the Award.

Inconsistencies between the Main Body of the Award and the Proposed Schedule E

- 10. Babcock and CHC submit as follows:
 - (a) in relation to transfers, because clause 14 includes provisions that are not conferred in clause D.2 (to which E.5 of the proposed schedule refers), clause 14 should not include a statement that it does not apply to helicopter aircrew;
 - (b) in relation to hours of work, because clause E.7.1(b) of the proposed schedule expressly refers to clause 15, and because clause 15 includes provisions that are not conferred in clause D.6.5 (to which clause E.9 of the proposed schedule refers), clause 15 should not include a statement that it does not apply to helicopter aircrew;
 - (c) in relation to rostering arrangements, because clause E.7 of the proposed schedule appears to be silent on rostering requirements, clause 16 should not include a statement that it does not apply to helicopter aircrew;
 - (d) in relation to accommodation and meal allowances, the relevant provisions in clauses D.5.6 and D.6.6 (to which clauses E.8.2 and E.9.1 of the proposed schedule respectively refer) cover off

³ See *4 yearly review of modern awards—Air Pilots Award 2010* [2020] FWCFB 817.

all intended and relevant entitlements and obligations, and clause 20.3(a) should therefore state that it does not apply to helicopter aircrew; and

- (e) in relation to the telephone allowance, clause D.4.2(b) (to which clause E.4.6 of the proposed schedule refers) provides the intended and relevant entitlements and obligations, and clause 20.3(d) should therefore state that it does not apply to helicopter aircrew.

Signed:



Chris Ridings
Representative to Babcock and CHC

11 November 2021