

SUMMARY OF SUBMISSIONS

This table is a summary of submissions from interested parties lodged for the proposed *Proposed Helicopter Aircrew Award*.

Proposed Helicopter Aircrew Award

Table 1: General submissions from interested parties		
	DOCUMENT	SUMMARY OF SUBMISSION
The Australian Manufacturing Workers' Union (AMWU)	Corr-10/12/14	<ul style="list-style-type: none"> AMWU requests the FWC hear an application for a new modern award to cover helicopter aircrew in Stage 4, sub-group 4B. The proposed award is intended to ensure that employees are caught by the modern award safety net
	Sub-12/11/15	<ul style="list-style-type: none"> AMWU intends for the proposed award to provide helicopter aircrew with a career path through which they can advance. Proposed award is based on the CHC Helicopters (Aircrew/Rescue Crew) Award 2002 AMWU considers matters with respect to Stage 4 awards, sub-group 4B Awards
	Sub-17/06/16	AMWU submitted Draft Helicopter Aircrew Award in accordance with directions issued on 20 May 2016
	Sub-07/07/17	<ul style="list-style-type: none"> AMWU provided revised definitions for the following classifications: Aircrewperson; Qualified Rescue Crewperson; Qualified Aircrewperson; Training Aircrewperson; Senior Aircrewperson AMWU provided a revised coverage clause. The clause now excludes employees covered by the <i>Medical Practitioners Award 2010</i>; the <i>Airline Operations – Ground Staff Award 2010</i>; the <i>Air Pilots Award 2010</i>.
	Sub-20/09/17	<ul style="list-style-type: none"> Along with these submissions, the AMWU provided an updated Draft Helicopter Aircrew Award dated 20 September 2017 (see Appendix A). The Proposed Award is mostly based on the <i>CHC Helicopters (Aircrew/Rescue Crew) Award 2002</i> [para 27] <p>Occupation of Helicopter Aircrew to be covered by the proposed Award Coverage [paras 11-26]</p> <ul style="list-style-type: none"> 'Helicopter Aircrew' are employees who work on helicopter aircrafts or conduct training of helicopter aircrew. They fall within four classifications [para 24]: (1) Surveillance or Rescue Aircrewperson; (2) Aircrewperson; (3) Training Aircrewperson; and (4) Check and Training Aircrewperson.

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AMWU		<ul style="list-style-type: none"> • Helicopter Services are engaged by governmental agencies (including Ambulance Services, Firefighting Services, Regional Hospitals, and the Australian Defence Force) and private companies (predominantly in Offshore Oil and Gas). • ABS indicated that 13,300 persons are engaged in work under ANZSCO Code 2311 ‘Air Transport Professionals’ but this includes professionals working in air transport. Unable to obtain statistics exclusive to helicopter air crewpersons. <p>Key Legislative provisions and decision [paras 4-10]</p> <ul style="list-style-type: none"> • The Commission is able to make an award or vary an award in the 4-yearly review of modern awards under s.156(2)(b). The Commission will only exercise its powers if necessary to achieve the Modern Awards Objective (s.134). • The Commission’s consideration of the coverage terms of modern awards should take into account ss.143 and 163. Per section 163(4) the Commission must consider the decision of the AIRC which created the <i>Miscellaneous Award 2010</i>. • Considered the decision where the Commission dealt with an application to make a modern Award for the Public Relations industry and the decision dealing with an application to modernise the CHC Helicopters (Aircrew/Rescue Crew) Award 2002. <p>Why the modern award system should include specific coverage/terms/conditions for Helicopter Aircrew</p> <ul style="list-style-type: none"> • The modern awards, together with the NES will only be “a fair and relevant minimum safety net of terms and conditions” if there are specific provisions that accommodate the skills and unique environment Helicopter Aircrew work with [para 50]; and • The occupation of Helicopter Aircrew is within the coverage of the modern award system and similar to work traditionally covered by awards [para 50]. Additionally, Helicopter Aircrew require a level of skill and training (being an equivalent to a Certificate III or Certificate IV or above) which is similar to the level of skill and training of other occupations within the scope of the Modern Award System [para 51]. • With reference to Helicopter Aircrew require specific coverage, the AMWU highlights their unique skills and disabilities and the high risk environment within which they work [paras 30-42]. These include Hours of Work

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AMWU		<p>[paras 31-32] and Allowances [paras 35-36; 38-40]; insurance [para 41] and specific sick leave [para 42]</p> <ul style="list-style-type: none"> The wage rates in the proposed award are much lower than the occupational standard by any Helicopter Aircrew [paras 46-49]. <p>Can the Commission vary another Award’s coverage [paras 43-45]</p> <ul style="list-style-type: none"> The AMWU notes that it may be possible to vary the coverage of the <i>Aircraft Cabin Crew Award 2010</i> (Cabin Crew Award) to explicitly cover Helicopter Aircrew by inserting a specific schedule detailing conditions and classifications [para 45]. However, AMWU submits that the Cabin Crew Award is intended to cover workers engaged as Cabin Crew for passenger transportation operations on fixed wing aircraft and the terms and conditions do not adequately comprehend the specific skills required by Helicopter Aircrew or the unique environment in which they deploy those skills [para 71]. AMWU also note that the training and qualification summaries for Cabin Crew are very different from Helicopter qualifications, and therefore the Cabin Crew Award classifications are not appropriate to use for classifying Helicopter Aircrew [58-65]. AMWU note that Helicopter Aircrew fall within the coverage of the <i>Miscellaneous Award 2010</i>. AMWU, similarly note that the <i>Miscellaneous Award</i> is deficient in providing fair and relevant terms/conditions to apply to the highly skilled occupation of Helicopter Aircrew and the unique high risk environment within which Helicopter Aircrew operate [70]. <p>Modern awards objective [paras 73-90]</p> <ul style="list-style-type: none"> S.134(1)(a): Relative living standards and the needs of the low paid – this is a neutral consideration because industry wages are significantly higher than the modern award system’s wage structures which are connected to the C10 rate S.134(1)(b): the proposed award should encourage collective bargaining. as long any decision is clear that the wage rates are “properly fixed minimum rates” and not reflective of industry standards S.134(1)(c): the creation of the proposed award may support a clearer career path for civilian Helicopter Aircrew and therefore promote social inclusion . This may support increased workforce participation amongst Helicopter Aircrew who remain and progress through the career path

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AMWU		<ul style="list-style-type: none"> • S.134(1)(d): creating a clear space of coverage and specific Helicopter Aircrew entitlements within the modern award System is likely to promote flexible modern work practices and the efficient and productive performance of work. • S.134(1)(da): the need to provide additional remuneration for overtime, unsocial, irregular or unpredictable hours, weekends or public holidays, or working shifts - The expansion of Modern Award System coverage to include Helicopter Aircrew will ensure that additional remuneration is provided in the safety net specifically for Helicopter Aircrew and in taking into account the specific and unique work arrangements which Helicopter Aircrew have • S.134(1)(e): the principle of equal remuneration for work or equal or comparable value – this is a neutral consideration • s.134(1)(f): the likely impact of any exercise of modern award powers on business, including on productivity, employment costs and the regulatory burden - this is a neutral consideration • s.134(1)(g): the expansion of modern award system coverage to include Helicopter Aircrew will simplify and improve understanding of the modern award system as it applied to Helicopter Aircrew. Presently, there is some confusion as to which award is applicable to these employees. • s.134(1)(h): Award coverage of Helicopter Aircrew to include a clearly set out career path may positively impact upon employment growth and support an increased interest in the occupation. However, due to the small number of Helicopter Aircrew and the limited areas where they provide support may mean that any impact is likely to be small.
	Sub-04/04/18	<ul style="list-style-type: none"> • Submission focuses on AMWU’s preference for the creation of a new modern award specifically for Helicopter Aircrew rather than varying an existing modern award [para 4]. Noted that BMCSA’s initial preference supported the AMWU’s position [para 5], and that there are no strong objectors [paras 6-7] • Submits that s.163(2) of the FW Act does not place a restriction upon the Commission that they only create a new modern award if the proposed award would apply to a large group of employee. Section 163(2) merely requires consideration of whether it would be more appropriate to vary an existing award to cover the certain employers/employees before determining to make a new award to cover them [para 3] • Varying for example, Aircraft Cabin Crew Award 2010, would involve industry groups and significant players

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AMWU		with an interest in that award [para 9].
	Sub-27/04/18	<ul style="list-style-type: none"> • Maintains preference to create a new modern award rather than varying an existing award. • Reiterates previous submission dated 4 April 2018 [paras 88-89]. • Notes that it has not been given notice of what the case is against its primary submission that a new award should be made, which makes it impossible to make submissions in reply [para 90]. • Submits that proceedings to review the <i>Air Cabin Crew Award 2010</i> with a view to vary it to cover Helicopter Aircrew is not desirable for the following reasons: <ul style="list-style-type: none"> ○ there is not a community of interest between the parties representing each group of employees and employers between the Helicopter Aircrew and the Air Cabin Crew [paras 91, 93]. ○ requiring all the disparate parties to review changes irrelevant to them would increase the work for paid agents, but not be an efficient use of time and resources for parties already involved in numerous matters in the 4 yearly review [para 92]. • It would be administratively more efficient for the Commission to keep Helicopter Aircrew separate and to deal with only the interests of Helicopter Aircrew in a proceeding, rather than having to manage the disparate industrial interests between the Air Cabin Crew and Helicopter Aircrew. This would facilitate parties in reaching agreed consent positions on a number of matters in the Helicopter Aircrew proposed Award and clearly defining the narrow points of difference [para 93] • Next Steps: Submits that the Commission should first deal with the question of what safety net of fair and relevant entitlements should exist for Helicopter Aircrew and then consider whether or not it's possible to vary an existing Award.
The Australian Workers' Union (AWU)	Sub-27/09/17	<ul style="list-style-type: none"> • The AWU has coverage of various types of helicopter aircrew employees and has helicopter aircrew members employed to perform a variety of roles including transporting workers back and forth to offshore gas and oil operations [para 5]. • The AWU supports and adopts the AMWU' submissions and proposed award dated 20/09/17 [para 8].

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Babcock Mission Critical Services Australasia Pty Ltd (BMCSA)	Sub-06/12/17	<ul style="list-style-type: none"> BMCSA does not oppose a modern award being created for the helicopter aircrew industry. This submission addresses specific clauses in the AWMU September 2017 Draft Award that BMCSA objects to. <p>Award terms</p> <ul style="list-style-type: none"> Notes s.138 of the Act [para 7]; Subdivision B of Part 2-3 of the Act which deals with mandatory terms which are required to be included in modern awards [para 8]; Subdivision B of Part 2-3 of the Act which deals with permissible terms that may be included in modern awards [para 9]; and Subdivision D of Part 2-3 of the Act which outlines prohibited terms that must not be included in modern award [para 10] <p>Creating a new award or varying an existing award?</p> <ul style="list-style-type: none"> BMCSA supports the AMWU’s position that the <i>Aircraft Cabin Crew Award 2010</i> would not be an appropriate base instrument to cover Helicopter Aircrew, and that it would be consistent with the modern awards objective for a modern award to be created specifically for Helicopter Aircrew [para 13]. <p>Fair and relevant minimum safety net</p> <ul style="list-style-type: none"> BMCSA submits that a number of clauses in the AMWU’s September 2017 Draft Award are not part of a fair and relevant minimum safety net and are therefore inappropriate for inclusion in a modern award. BMCSA notes that since several clauses have been drawn from enterprise agreements they offer more generous conditions than would otherwise be expected from a fair and relevant minimum safety net. BMCSA further submits that several clauses are highly prescriptive and specific to the operations of individual enterprises rather than relevant to the operations of the helicopter aircrew industry as a whole.

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Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
1	HSU	Sub-25/01/18	4	<p>Coverage</p> <ul style="list-style-type: none"> • Objects to the coverage clause to the extent that the <i>Ambulance and Patient Transport Industry Award 2010</i> (APTI Award) is not included in the list of excluded awards in clause 4.2. • Seeks to vary clause 4.2 to prevent unintended overlap with employees who are already covered by the Ambulance officers and Paramedics classifications in the APTI Award. These workers perform tasks that overlap with duties of a 'Qualified Aircrewperson' as defined in clause 17 of the proposed award. • Misclassification of Ambulance officers and Paramedics under the proposed award would subject them to a lower base rate of pay than their entitlements under the APTI Award. • This variation will also ensure consistency with the modern awards objective. 	[5-7], [9-10]	<p>STATUS UNCLEAR</p> <p>Transcript-16/02/18:UV and HSU reiterate their submissions [PN97]; AMWU dispute possible overlap in coverage, noting cl 4.5 of proposed draft award operates to ensure the most appropriate classification applies where there is dual coverage under two awards. [PN105]</p>	
	UV	Sub-14/02/18		<ul style="list-style-type: none"> • UV shares HSU's concerns regarding a potential overlap in coverage between the proposed award and the APTI Award. • An 'Aircrewperson' in the proposed award is defined to include persons performing the following tasks: Search and Rescue, <i>Emergency Medical</i>, Rappelling, Sling loading, Surveillance Missions, Passenger Transport, or Winching Operations. These are tasks that are routinely performed by Ambulance Officers/Paramedics and Ambulance Attendants within air ambulance services. [5-6] • This overlap in the work is a potential source of confusion for employers and employees within the industry. The application of the proposed award to employees who should be classified as Ambulance Officer/Paramedics or Ambulance Attendants under 	[3]-[4]	<p>Transcript – 04/04/18 UV, AMWU and HSU have had discussions regarding coverage</p>	

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				<p>the APTI Award would lead to a significant reduction in wage rates [8]. See para [9-10] for a comparison of the minimum weekly rate of pay across the awards.</p> <ul style="list-style-type: none"> To ensure consistency with the modern awards objective, particularly s 134(1)(g), UV submits that the coverage clause should be amended to exclude employees who are covered by classifications in the APTI Award. UV provided an amended clause 4.2 of the proposed award [15-16] 		<p>issue. Yet to be able to reach agreement. UV and HSU reiterate concerns regarding coverage of award and potential ambiguity and maintain there does need to be an exclusion of the Ambulance and Patient Transport Industry Award within clause 4.2. [PN46]-[PN49]</p>	
2	AMWU	Sub-04/04/18:	18.4 and 18.5 (new clauses)	<p>New Clauses – Ordinary Hourly Rate of Pay and Ordinary Weekly Rate of Pay</p> <p>AMWU and BMCSA in dispute regarding a new clause which defines ordinary hourly rate of pay (Arising out of Overtime issue)</p>	[4]	<p>OUTSTANDING confirmation from BMCSA needed – not addressed in BMCSA’s Sub-20/04/18)</p>	
	AMWU	Draft Award – 13/04/18		<p>New clause to ensure daily overtime rate is clear, and addresses concerns raised in BMCSA submissions. AMWU understands that BMCSA agrees to these definitions.</p>			
3	AMWU	Sub-04/04/18:	18.6	<p>New Clause – Ordinary Daily Rate of Pay</p> <p>AMWU and BMCSA in dispute regarding clause [4]. – New clause defining ordinary daily rate of pay (Arising out of overtime issue and discussions around rostering)</p>		<p>Draft Award – 13/04/18</p> <p>Unclear whether parties have agreed</p>	

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	AMWU	Draft Award – 13/04/18		New clause has been inserted.		to this new clause
4	AMWU	Draft Award – 13/04/18	19.4 (formerly 19.2)	Night Vision Goggle Operation Allowance Clause has been amended to include the percentage of the weekly standard rate alongside the monetary figure for rescue crew officers and aircrew officers.		STATUS UNCLEAR Amendment to the clause is not addressed in parties' submissions
5	BMCSA	Sub-06/12/17	19.6 (formerly 19.4) also affects 18.7	Other Required Additional Skill Certification Allowance The proposed clause is unclear and provides an arbitrarily valued monetary allowance quantified at 5%. This clause is inconsistent with the principle of equal remuneration for work of equal or comparable value. If the clause is retained, it should be redrafted by reference to a percentage of the standard rate	[44]-[47]	OUTSTANDING Transcript-16/02/18 : reached in-principle agreement [PN45] Sub-04/04/18 : AMWU and BMCSA in dispute regarding clause [para 4]. New Other additional skills certification (Revised clause following discussions. However, still not
	AMWU	Sub-24/01/18		As it is common for helicopter aircrew to be required to obtain new and different training certifications, those skills should be recognised and compensated through an allowance. The minimum safety net is crucial where agreement cannot be reached between workers and employers as to the level of compensation for new training and the retention and use of special skills.	[28]-[30]	
	AMWU	Draft Award – 13/04/18		AMWU has redrafted the proposed entitlement from a monetary entitlement to an entitlement to enter into negotiations and reasonable dealing from the employer.		
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Despite AMWU's redrafting, BMCSA maintains objection to the proposed clause for the reasons set out in its previous submission. 	[17]	

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Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				<ul style="list-style-type: none"> Submits that the clause is incompatible with modern award making principles insofar as it introduces a term requiring consultation and an "attempt to reach agreement" between an employer and employees for a new allowance. Submits it is a matter more appropriate for enterprise bargaining. 		agreed).	
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Maintains the clause is designed to respond to situations where employers require employees to exercise a new skill. Disagrees with BMCSA that the clause is not one that can be delegated to bargaining Further submits that the clause allows for the Commission to intervene in a dispute. Notes the requirement to "attempt to reach agreement" already exists in awards. Examples provided at paras [14-16] Submits that what is or is not unreasonable in the context of a particular skill will turn on the specific facts of each case. 	[9]-[21]		
	CHC	Sub-03/07/18		CHC is concerned that by removing the monetary amount for the allowance that was included in earlier drafts, it creates potential uncertainty and disagreement amongst the workforce. CHC supports the BMCSA's April subs.	[8]-[9]		
6	BMCSA	Sub-06/12/17	19.7 (formerly 19.5)	<p>Fitness allowance</p> <ul style="list-style-type: none"> Seeks to have the clause deleted on the basis that the AMWU has not sufficiently evidenced that the clause is 'necessary' for inclusion within the meaning of s.138 of the FWA. Submits the allowance would be more appropriately dealt with through enterprise bargaining Notes that such an allowance is not evident in a variety of awards including the <i>Airline Operations – Ground Staff Award</i> 	[48]-[55]	OUTSTANDING Transcript-16/02/18 : Parties did not reach agreement as to this allowance[PN69]	

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				<p>2010; the Air Pilots Award 2010; the Aircraft Cabin Crew Award 2010, the Australian Federal Police Enterprise Award 2016, the Security Services Industry Award 2010 or the Fitness Industry Award 2010.</p>		<p>Sub-04/04/18: AMWU and BMCSA in dispute regarding clause [para 4].</p>	
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Submits that helicopter aircrew, other than surveillance aircrew, requires a level of fitness to be maintained regardless of whether they are currently working on a contract which requires a fitness test. The AMWU concedes that the clause could be re-drafted to exclude Surveillance Aircrew. Notes that its own aircrew members are subject to a requirement for fitness to undertake core functions of the job. Indeed, a business may be under a duty of care to ensure a level of fitness is attained by Aircrew engaged in the operation of a winch to avoid injury. 	[31]-[35]		
	BMCSA	Sub-20/04/18		Maintains objection to the proposed clause for the reasons set out in its previous submission	[18]		
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Continues to rely on its previous submissions and witness evidence, and adds that this clause has been varied to exclude ‘Surveillance Aircrewpersons’. AMWU notes, however, that a fair and relevant safety net should provide adequate financial support for surveillance aircrew to maintain that level of fitness should be provided. 	[22]-[25]		
	CHC	Sub-03/07/18		CHC supports BMCSA’s subs in that the allowance would be more appropriately dealt with through enterprise bargaining. CHC agrees that the amount of an allowance (if required) will vary depending on the size and operations of the employer.	[10]		

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7	BMCSA	Sub-20/04/18	19.9 (formerly 19.7)	<p>Overseas Allowance</p> <ul style="list-style-type: none"> • Objects to the proposed clause. • Submits the Australian Taxation Office “Taxation Determination TD 2017/19 Reasonable travel and overtime meal allowance expense amounts” uses a table based on differential cost structures in different countries. • Submits the AMWU’s proposal to pay an allowance of \$39.55 in addition to all the other meal and overnight allowances is not justified and is inconsistent with a fair and relevant minimum safety net of employment conditions. 	[19]	OUTSTANDING
	AMWU	Sub-27/04/18		<p>Accepts BMCSA’s proposal to utilise the ATO’s taxation determination TD 2017/19 for overseas travel based on the particular country. Proposes to copy the determination’s paragraph 38 Table 6 and Table 9 into a schedule of the award and use the ATO’s method of calculation the vehicle expense reimbursement per kilometre for transport expenses</p>	[26]-[27]	
	CHC	Sub-03/07/18		<ul style="list-style-type: none"> • Submits that the 2017 – 2019 CHC Enterprise Agreement includes an ‘appropriate allowance’ for operations considered remote or overseas and it varies depending on employee’s location. • Supports BMCSA’s proposal of utilising the ATO’s Taxation Determination TD 2017/19 for overseas travel based on the country the employee visits. 	[11]-[12]	

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8	AMWU	Draft Award – 13/04/18	19.21 (formerly 19.19)	Telephone Following discussions with BMCSA, AMWU has updated the clause to reflect the ubiquity of mobile phones as compared to landlines.		OUTSTANDING
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Does not oppose clause 19.21(a). However, in relation to clause 19.21(b) submits the service costs should not apply unless the employer requires the telephone. Submits work-related costs should always be reimbursed. 	[20]	
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Confirms the minimum dollar figure only applies where the employer requires employees to have a telephone and work related calls above the minimum figure would also be reimbursed. Notes only itemised calls above the figure be recorded where they are international calls where the plan does not account for international calls. Maintains its proposed minimum figure and submits it is reasonable and the clause allows for circumstances where international calls may be charged above the plan fee. 	[28]. [31]	
9	BMCSA	Sub-20/04/18	19.24(b)	Indemnity Objects to clause 19.24(b) in principle. Submits making an employer liable to pay a fine personally incurred by an employee is an “unprecedented proposal” that should be rejected. The carve-outs for negligence and poor performance are not sufficient to allay concerns with this subclause.	[21]-[22]	OUTSTANDING
	AMWU	Sub-27/04/18		Accepts BMCSA's objection to clause 19.24(b) and proposes to add the words in the clause, “where the employer has directed an employee to perform work in a way that attracts any fines from CASA,” after the words, “Except in the case of negligence or poor	[32]-[34]	

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				performance.”			
10	BMCSA	Sub-06/12/17	19.25 and 19.26 (formerly 19.23 & 19.24)	<p>Clause 19.25 - Life Insurance and Total and Permanent Disability Insurance (formerly ‘Insurance’); and</p> <p>Clause 19.26 - Income Protection Insurance</p> <ul style="list-style-type: none"> Seeks the removal of the proposed insurance clauses, due to claims not being restricted to work-related claims; the individual nature and circumstances of each case; and the costs involved. However, BMCSA acknowledges that other similar industries’ modern awards have similar provisions however are made effective through narrower drafting 	[60]-[67]	<p>PARTLY OUTSTANDING</p> <p>Transcript-16/02/18:BMCSA have undertaken to return to AMWU about life insurance and total permanent disability [PN47]; As to the issue of income protection insurance, no: agreement was reached [PN49]</p> <p>Sub-04/04/18: AMWU and BMCSA reached agreement re clause 19.25 [para 3].</p>	
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Submits that the unlike other employees in other industries or occupations, Aircrew find it particularly difficult to obtain an insurance policy and/or may be required to pay higher premiums to obtain it. Therefore, allowances are necessary to compensate aircrew for working in conditions which render them unable to obtain insurance individually or result in being required to pay much higher premium than the average workers. Disagrees that the terms are excessive relative to the inherent risks associated with their work. 	[45]-[48]		
	AMWU	Sub-04/04/18		AMWU and BMCSA in dispute regarding clause	[4].		
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> Parties have agreed to redraft clause 19.23 which is now 19.25 (Life Insurance and Total and Permanent Disability Insurance). This variation is based on an amount equal to \$248,808.35, which is 5.42 of the standard annual wage of a 1st Year Aircrewperson. However, BMCSA maintains its opposition to clause 19.25 			
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Does not object to the new clause 19.25 (Life Insurance and 	[23]-[24]		

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				Total and Permanent Disability Insurance). <ul style="list-style-type: none"> Maintains objection to the proposed clause 19.26 (Income Protection Insurance; formerly cl 19.24) for the reasons set out in its earlier submission. 			
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Submits this clause 19.25 is now agreed and has been re-drafted to be based on an amount equal to 5.42 times the standard annual wage of a 1st year Aircrewperson. In relation to clause 19.26, it submits that due to the high-risk nature of the job that income protection insurance for a period of 5 years is necessary to allow sufficient time to adjust, rehabilitate and retrain into a new occupation. Opposes one or two years of income protection. Further notes that BMCSA and CHC already provide income protection insurance in enterprise agreements and enterprise award. 	[83]		
	CHC	Sub-03/07/18		Submits that income protection insurance is more appropriately dealt with through enterprise bargaining and supports BMCSA's December submission.	[13]-[14]		
11	AMWU	Sub-04/04/18	23	New Ordinary Hours of Work and Rostering (Arising out of overtime issue) <ul style="list-style-type: none"> AMWU and BMCSA in dispute regarding this clause 	[4].	STATUS UNCLEAR Confirm that this clause is not opposed to by BMCSA	
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> AMWU has varied the clause to ensure compliance with the NES. AMWU understands that BMCSA is in agreement with this clause. 			
12	BMCSA	Sub-20/04/18	25 and 26	Hours of duty and days free of duty and multiple day tours Refers to submission of 06/12/17	[26]	OUTSTANDING Transcript-	

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Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
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	BMCSA	Sub-06/12/17		<ul style="list-style-type: none"> Submits that an equivalent of Sch E.6.5(d) and (e) of the <i>Air Pilots Award 2010</i> should be reflected in the proposed award to provide consistency with shift patterns/industry norms in the industry at large. The clause does not consider employees who are engaged on multiple day tours for the whole of a year (known as a 'permanent tourer'). Evidence points to a ratio of 15 days away and 13 days off on a 28-day cycle ('15/13 permanent touring cycle'). 	[75]-[85]	<p>16/02/18:AMWU undertake to consider BMSCA's position [PN55]</p> <p>Sub-04/04/18: AMWU and BMCSA in dispute re clause [para 4].</p>	
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Submits that BMCSA's preferred clause referenced from the <i>Air Pilots Award 2010</i> which purports to provide annual leave, excludes the NES Annual Leave and Public Holiday provisions in favour of an inferior entitlement. AMWU is open to discussing a revised clause, however, it does not support any clause which excludes or purports to exclude the NES. 	[55]-[56]		
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> AMWU has varied the clause by adding a further clause for permanent tourers to reflect the current work arrangements performed by tourers. 			
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Submits its submission of 06/12/17 addressed this clause extensively. Notes that the interaction between these clauses and the annual leave entitlements of permanent tourers under the Proposed Award remains an issue. 	[26]		
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Continues to rely on earlier submission of 24/01/18 and notes that newly drafted clauses (23 and 26.2) address concerns raised by BMCSA in relation to current working patterns. 	[45]-[62]		

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU’s draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				<ul style="list-style-type: none"> Clarifies that clause 23 has been re-drafted to allow for an averaging of hours over the necessary periods, in particular the averaging of hours over 28 days or 56 consecutive days. Submits clause 26.2 has been included to make it clear that the averaging over a 28-day roster for permanent tourers may include 15 days on and 13 days off, and this is to be read in conjunction with clause 23. Refers to s.62(3)(i) of the FW Act relating to whether an employee’s refusal to work additional hours is reasonable, and also to an employee’s right to the NES entitlement of being absent on public holidays. Submits in the present circumstances where the pattern of work for permanent tourers includes public holidays and shift work, it would be reasonable to assume that a roster with the 28-day pattern is a reasonable request to work on all public holidays in return for an additional 2 weeks’ annual leave which also compensates for the additional week of leave for shift work that involves Sundays. Confirms there are no penalties for work on public holidays. 			
13	BMCSA	Sub-06/12/17	27	<p>Overtime days worked</p> <ul style="list-style-type: none"> Clause 27.1 entitles an employee to be paid overtime at “their normal daily rate multiplied by 2”. However, given that aircrew work a different number of days per year depending on the roster, but are paid a weekly rate of pay regardless of the roster, it is not clear how the “daily rate” is to be determined. This could produce very different results for employees of a particular classification depending on their rosters. Proposes that 	[86]-[90]	<p>OUTSTANDING</p> <p>Transcript-16/02/18: AMWU consider BMSCA’s position, and discuss [PN57]</p>	

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				<p>the overtime be calculated by reference to a multiple of a "standard rate" or a clearer clause is drafted.</p> <ul style="list-style-type: none"> Clause 27.2 provides an additional 10% (on top of the already double time) if the overtime day is a night shift. Submits awards generally do not provide shift penalty on top of overtime, especially when the overtime is at double time. 		Sub-04/04/18	
	AMWU	Draft Award – 13/04/18		AMWU has varied the clause, replacing “normal daily rate” with “ordinary daily rate” throughout clause 27.1. Reference to clause 18.6(a) has been included in clause 27.1			
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Reiterates its objections to all overtime being calculated at double time, and its objection to a night shift penalty being applied in addition to an overtime shift. Submits the drafting of the clause is ambiguous, especially when read in conjunction with clause 18.6(b). Submits the penalty prescribed in clause 27.1 is double time. If paid in addition to the weekly rate of pay, it returns a triple time penalty. Submits these provisions exceed what is required for a fair and relevant safety net. 	[27]-[28]		
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Submits its intention was only for double time for overtime days worked, not triple time. Submits the reference to “in accordance” in clause 18.6(b) makes it clear that the rate for overtime is the ordinary daily rate multiplied by two. Submits the rate of double time for overtime days is necessary because of the disutility of an additional day of overtime. 	[63]-[68]		
	CHC	Sub-03/07/18		<ul style="list-style-type: none"> Supports BMCSA's April and December submissions Submits that the overtime provisions in the CHC Agreement are based on fixed overtime rates, not based on ordinary rates. 	[15]-[16]		

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU’s draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
14	BMCSA	Sub-06/12/17	28	<p>Overtime hours worked</p> <ul style="list-style-type: none"> Seeks a redraft of clause 28 so that employees working overtime hours are entitled to time and a half for the first two hours and double time thereafter, calculated on a daily basis 	[86]-[90]	<p>PARTLY RESOLVED</p> <p>Transcript-16/02/18: AMWU consider BMSCA’s position, and discuss [PN57]</p> <p>Sub-04/04/18 clause still in dispute [57].</p>	
	AMWU	Draft Award – 13/04/18			<ul style="list-style-type: none"> AMWU has varied clause 28.1 regarding the payment of overtime hours worked from double time for all time worked to time and a half for the first two hours and double time thereafter. This has seemingly been agreed between the parties Parties remain in dispute over when overtime should be calculated. 		
	BMCSA	Sub-20/04/18			<ul style="list-style-type: none"> Proposes clause 28.1 be redrafted by reordering words to provide a clearer description of the overtime entitlement. Submits clause 28.1 is ambiguous as it states “...as defined in clause 23” despite an employee’s actual rostered ordinary hours not being defined in clause 23. Clause 23 contains only the limits on the maximum number of ordinary hours per week averaged over a cycle. Submits additional ambiguity with the use of the term “work cycle” in clause 28.1. Refers to previous submissions, and again reiterates hourly overtime for “shift extensions” should be calculated on a daily basis, consistent with the common principle of each day standing alone for the calculation of overtime. 		[29]-[32]
	AMWU	Sub-27/04/18			<ul style="list-style-type: none"> Notes that it has changed the rate of overtime from double time for all hours to be time and a half for the first two hours and double time thereafter. Submits there is a different consideration for overtime days compared to overtime hours in relation to 		[63]-[68]

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				<p>non-working hours which are not compensated for by ordinary overtime penalties.</p> <ul style="list-style-type: none"> In relation to overtime hours, submits the calculation of overtime over the work cycle is to ensure that employees are paid an appropriate overtime penalty. Submits the averaging of hours arrangement for a 28-day cycle of 15 days on and 13 days off would result in approximately 10 hours per day during the 15 days on. The scope for overtime is limited, taking into account the rest periods and OHS. 			
	CHC	Sub-03/07/18		Supports BMCSA's April submission	[17]		
15	BMCSA	Sub-06/12/17	30	<p>Annual leave</p> <ul style="list-style-type: none"> Clause 30.2 inadvertently provides an entitlement to 42 days annual leave in addition to the NES leave. BMCSA seeks to redraft the clause so that it reflects the annual leave provision in the Pilots award - this involves clarifying the calendar days inclusive in the 42 days annual leave. Further, clause should include the annual leave model clauses for consistency with regards to the relevant 'Full Bench Annual Leave Common Issue decisions'. This includes model terms in relation to Excessive annual leave accruals; Cashing out of Annual Leave; Annual leave in advance; and Electronic Transfer Payment of Annual Leave. 	[91-95]	OUTSTANDING	
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Supports redrafting the clause to make it clearer. However, the AMWU is opposed to any reduction in the entitlement to annual leave and public holidays arising from the gerrymandering of leave in relation to a roster cycle and/or arising from double counting of rostered days off as annual leave accrued. 	[58]-[60]	<p>Transcript-16/02/18: Provisionally agreed on a number of the issues. The multiple day tours-related issue requires further consideration; Agree to insert the model clauses from the 4 yearly review common issue annual leave decision; Agree</p>	

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				<ul style="list-style-type: none"> The AMWU is not opposed to the inclusion of the model annual leave terms about excessive annual leave, cashing out of annual leave, annual leave in advance and electronic transfer payment of annual leave 		about the relationship of the 42 days' annual leave with the NES [59]	
	AMWU	Sub-04/04/18:		AMWU and BMCSA in dispute re clause as it relates to multiple day tours issue	[4]		
	AMWU	Draft Award – 13/04/18		AMWU has added new clause 30.8 to clarify the interaction between the 42 days annual leave and public holidays.			
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Notes that a number of issues previously raised have been addressed in AMWU's 2018 April Draft Award. Does not agree with the clause's application in relation to permanent tourers and considers that clause 26 should be updated accordingly. 	[33]		
	AMWU	Sub-27/04/18		Opposes BMCSA's proposed annual leave provision, submitting it leads to double counting the two weeks of additional leave as both days off as part of an averaging arrangement.	[69]		
16	AMWU	Sub-04/04/18	32.1	Jury service AMWU and BMCSA in dispute re clause	[4]	OUTSTANDING	
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Accepts that additional provisions are necessary because the NES only provides that jury service is paid at the employee's <i>base rate</i> of pay. Notes that the industry standard is that some allowances are paid "all purpose" and for practical purposes the total forms the employee's ordinary rate of pay, as reflected in the draft award. Opposes clause 32.1(a), submitting that as drafted it could be interpreted to mean that an employee's entitlement to paid jury leave is uncapped. Submits the clause should be redrafted to be 	[34]-[36]	Transcript- 16/02/18 : AWU and BMCSA did not reach agreement [PN67].	

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
				clear that the NES' 10-day limit still applies to paid jury service leave.			
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Submits Awards can supplement the NES entitlement for Jury Service beyond the NES' 10 days. The Full Bench in Award Modernisation Full Bench Decision [2008] AIRCFB 1000 considered the cap on the jury service entitlement and payment of wages, and included a clause in a modern award which did not contain a cap on the wages which the employer should reimburse an employee. 	[70]-[74]		
	CHC	Sub-03/07/18		CHC supports BMCSA's April submission. Submits the number of paid leave days should be capped at 10.	[18]-[19]		
17	BMCSA	Sub-06/12/17	33	Public holidays <ul style="list-style-type: none"> Submits that a provision, similar to the public holiday clauses in the Pilots Award and Cabin Crew Award which refer to the annual leave clause and reference the NES, should be included in the proposed award. 	[101]	OUTSTANDING Transcript-16/02/18 : Agree on the relationship between the 42 days and the public holidays; further discussion is required as it relates to item 13 [PN63]-[PN65] Sub-04/04/18 clause still in dispute [4].	
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Submits the clause is ambiguous when read alongside clause 30.8 of the 2018 April Draft Award. Submits this ambiguity should be clarified in the public holidays clause by either: replicating clause 30.8(b) in a new clause 33.2; or moving the entirety of clause 30.8 to clause 33 instead. 	[37]		
	AMWU	Sub-27/04/18		Agrees that clause 30.8 could be moved to a new clause 33.2.	[75]		

SUMMARY OF SUBMISSIONS

Table 2: Outstanding items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
18	AMWU	Draft Award – 13/04/18	Schedule A	Schedule A – Allowances has been moved into clauses and CPI adjusted to December 2017 and car allowance is covered by transport allowance clause.		OUTSTANDING Unclear if there is agreement from the parties.	

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018							
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES	
1	BMCSA	Sub-06/12/17	16.6	Transmission of business	[18]-[20]	RESOLVED Transcript-16/02/18 : AMWU has undertaken confirm with BMCSA about whether it can agree to their position [PN31]	
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Objects to the clause on the basis that it does not achieve the object of Part 2-8 of the FWA and could risk inconsistency with FWA provisions (especially as s.311 of FWA already provides conditions under which a transfer of business takes place) Disagrees that proposed clause is inconsistent with Part 2-8 of FWA. Acknowledges that this clause may have the same effect as s.22(5) of the FWA, although s.22(5) is more comprehensive. If the Commission were to find the effect of the clause is the same as the effect of the FWA, the AMWU will not seek to retain the proposed clause. However, if the effect is found to be different, the AMWU pursues the retention of the clause to provide for a standard of entitlements. 	[5]-[11]		
	BMCSA	Sub-04/04/18		AMWU and BMCSA have reached agreement to delete clause 16.6.	[3]		
	AMWU	Draft Award – 13/04/18					
	BMCSA	Sub-20/04/18		As the AMWU has removed the clause, BMCSA withdraws its opposition	[9]		

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
	AMWU	Sub-27/04/18		Reiterates that it agrees not to pursue this issue and that the clause has been removed.	[76]	
2	BMCSA	Sub-06/12/17	17	Classifications Submits that the classification for "Surveillance or Rescue Aircrewperson" should be redrafted into two separate classifications. Submits this would make the specific roles, essential functions and training requirements of Surveillance Aircrewperson and Rescue Aircrewperson easier to understand (Draft classifications have been provided)	[21]-[23]	RESOLVED Transcript-16/02/18 : AMWU provisionally agreed to adopt the definitions proposed by BMCSA; BMCSA has undertaken to assess which entitlements and conditions its believes will be affected by its proposed definition [PN33]
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Does not oppose BMCSA's variation. AMWU, however, submits that the amended definition of 'Surveillance Aircrewperson' and 'Rescue Aircrewperson' should be carefully considered to take account of any consequential effect on their conditions and entitlements under the Proposed Award. 	[12]-[15]	
	AMWU	Draft Award – 13/04/18		AMWU and BMCSA have agreed to create separate classifications/definitions of "Helicopter Aircrew" and "Surveillance Aircrewperson". (See the Draft award for the updated definitions)		
	AMWU	Sub-27/04/18		Confirms the new classification/definitions are agreed and notes that they are also included in the definition of "Helicopter Aircrew" which his used in the coverage clause.	[77]	

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU’s draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
3	BMCSA	Sub-06/12/17	18.1 and former 18.3	<p>Minimum Wages and Annual Increment</p> <ul style="list-style-type: none"> Seeks to delete the increment clause, or at least have it capped at a certain number of years at a lower level. Submits that the clause is not consistent with the FWA/modern awards objective and would be more appropriately dealt with through enterprise bargaining. Notes that the <i>Airline Operations – Ground Staff Award 2010</i> does not include an annual increment provision. While the <i>Air Pilots Award 2010</i> features an incremental payment for pilots on on-shore helicopter operations, it is limited to the first 9 years of service, and is less than the proposed 3% (range of 1.66% to 2.34%). The <i>Nurses Award 2010</i> also includes an increment provision, however, it is derived from antecedents specific to the industry. If the proposed award is to feature such a clause, the AMWU will need to justify its inclusion. 	[24]-[33]	<p>RESOLVED</p> <p>Transcript-16/02/18: BMCSA will provide a more comprehensive proposal [PN37]</p>
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Refers to the AIRC’s Paid Rates Review decision which acknowledges there is a role for annual increments which are based on skills. Notes that the length of service payments for Helicopter Aircrew is not arbitrarily based on length of service, rather it recognises that skills (particularly response skills) are obtained through experience of hazards and incidences which are not able to be foreseen and/or modelled in structured training. Notes that the <i>Ambulance and Patient Transport Industry Award 2010</i> (APTI award) retains annual increment clauses, and analogises that the work covered under the APTI award is 	[16]-[22]	

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU’s draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
				similar to the work carried out by Helicopter Aircrew in respect to patient transport and search/rescue missions.		
	AMWU	Sub-04/04/18:		AMWU and BMCSA reached agreement that annual increments clause to be incorporated into 9 year pay scale	[3]	
	AMWU	Draft Award – 13/04/18		Parties have agreed to insert a new minimum weekly wages table based on classification and years of service (clause 18.1 “Minimum wages”) which replaces the former table and also replaces the former clause 18.3 (“Annual Increment”) which has been deleted. The increases are based on the pay scale for Helicopter Pilots deployed on similar missions to Helicopter Aircrew for the same sized helicopters which Helicopter Aircrew are deployed on.		
	BMCSA	Sub-20/04/18		As AMWU has withdrawn former clause 18.3, BMCSA withdraws its in-principle objection to including an annual increment framework and supports the minimum wages table proposed in clause 18.1.	[13]-[14]	
	AMWU	Sub-27/04/18		Confirms agreement has been reached on a new clause 18.1, and the withdrawal of its proposal for a separate “Annual Increment” clause.		
4	BMCSA	Sub-20/04/18	18.2 and 18.3	<p>Check and Training Aircrewperson Allowance and Line Training Aircrewperson Allowance</p> <ul style="list-style-type: none"> Submits for clarity, the words “of the total wage payable to a 1st year Aircrewperson as per clause 18” should be amended to read “of the minimum wage in clause 18.1 for a 1st year Aircrewperson”. Submits for consistency with clauses 17.1 and 18.2, the words “An Aircrewperson performing training...” in clause 18.3 should be redrafted in the same form as the (amended) clause 	[10]-[12]	RESOLVED

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
				18.2 to read "A Line Training Aircrewperson will be paid an additional amount equal to 5% of the minimum wage in clause 18.1 for a 1 st year Aircrewperson". <ul style="list-style-type: none"> Submits this will also make it clear that the allowance is not only payable for the time that training is being performed but is an all-purpose allowance. 		
	AMWU	Sub-27/04/18		Agrees with BMCSA's proposed variations.	[78]	
5	BMCSA	Sub-06/12/17	19.1, 19.2, 19.3 (formerly 19.1)	New Clause – 19.1 (Tools of trade) replaces former clause 19.1 (Safety equipment allowance) Seeks to have clause 19.1 re-drafted so that it provides for equipment reimbursement. BMCSA notes that there is no justification for this allowance to be paid to all crewpersons as the equipment listed may not be required by all aircrew. Further, it may not be applicable where an employer provides the equipment.	[34]-[41]	RESOLVED Transcript-16/02/18 : Provisionally agreed, draft clause will be provided [PN40]
	AMWU	Sub-24/01/18		Agrees with the BMCSA that a more precise clause could be drafted to better reflect current industry practice	[23]	
	AMWU	Sub-04/04/18 :		AMWU and BMCSA reached agreement re clause at].	[3]	
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> Parties have agreed on re-written clauses 19.1 and 19.2 which reflect the practice of employers providing tools of trade. AMWU, however, submits the re-written clauses ensure that the cost cannot be transferred to employees where the tools are not provided. 		
	BMCSA	Sub-20/04/18		Does not object to the newly re-drafted clauses.	[15]	
	AMWU	Sub-27/04/18		Confirms this clause is now agreed.	[81]	
6	BMCSA	Sub-06/12/17	19.5 (formerly	Mobile Intensive Care Ambulance allowance Currently the Ambulance Victoria contract is the only contract	[42]-[43]	RESOLVED Transcript-

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
			19.3)	requiring the MICA certification, and therefore the proposed clause is not relevant to the broader helicopter aircrew industry and should be dealt with through enterprise bargaining.		16/02/18 :BMCSA will draft new clause to be considered by AMWU [PN42]
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> While this clause can be considered as part of enterprise bargaining, the AMWU notes that any of the other helicopter aircrew operators may obtain the Ambulance Victoria contract as it comes up for renewal and so the clause may become relevant to other operators. The AMWU further submits that other Ambulance or Health agency functions may be outsourced in the future which may require the same training. Indeed, helicopter transportation services provided to these agencies are a function which is likely to increase. 	[24]-[27]	Sub-04/04/18 : AMWU and BMCSA reached agreement re clause at [para 3].
	AMWU	Draft Award – 13/04/18		Parties have reached agreement on re-written clause 19.5.		
	BMCSA	Sub-20/04/18		Does not object to the revised clause.	[16]	
	AMWU	Sub-27/04/18		Confirms this clause is now agreed.	[82]	
7	BMCSA	Sub-06/12/17	19.24(a) (formerly 19.22)	Indemnity <ul style="list-style-type: none"> Seeks deletion of the indemnity clause. References the Award Modernisation Decision [2009] AIRCFB 826 in which the Full Bench of the AIRC noted that the Pilots Award's pilot indemnity clause was one of the provisions that it considered “highly prescriptive” and that it would should be dealt with in enterprise agreements. Notes that the pilot indemnity provision was only included in the <i>Air Pilots Award 2010</i> by agreement of the parties. Further, in the <i>Airline Operations – Ground Staff Award 2010</i> the 	[56]-[59]	RESOLVED

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU’s draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
				Commission restricted the operation of the indemnity provisions to maintenance engineering classifications rather than giving them a broad scope. Submits that same logic should apply with greater force.		
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Submits that aircrew should be insured for damages that occur from the provision of services provided by the business and that indemnity is an industry standard that is expected by aircrew in the industry. The missions engaged in by Helicopter Aircrew may be high risk and involve injured passengers. It is therefore, necessary for Aircrew to be indemnified as Aircrew are not paid an amount which would adequately compensates them for risk of litigation for damages incurred during the performance of their duties. Draws a comparison between the environments in which aircrew and pilots alike operate, being that individuals in either role may hold competing views about the most appropriate course of action that should have been taken in any given moment in response to a situation. Considers that the Award Modernisation decision has to be read as a whole. 	[36]-[44]	
				Parties have agreed to replace former clauses 19.22(a) and 19.22(b) with the new 19.24(a).		
8	BMCSA	Sub-06/12/17	20	<p>Accident pay</p> <p>Seeks the removal of the accident pay clause, particularly due to the removal of the accident pay clause in the <i>Aircraft Cabin Crew Award 2010</i> in 2015</p>	[68]-[74]	RESOLVED
	AMWU	Sub-24/01/18		Aircrew workers, other than surveillance crew, engage in high-risk	[49]-[54]	Transcript-16/02/18 : Parties provisionally agree,

SUMMARY OF SUBMISSIONS

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
				work where injuries can be sustained due to slight lapses in physical fitness. The industry has Accident Make-up Pay as a standard; and Safe Work Australia's statistics indicate that Transport, Postal and Warehousing has the second highest fatality rate per 100,000 workers, and has the fourth highest incidence of serious injury per 1,000 workers. These weigh in favour of including Accident make-up pay for workers under the proposed award.		intend to confirm text of the clause [PN55]
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> Parties have reached agreement on this clause. 		Sub-04/04/18 : AMWU and BMCSA reached agreement re clause at [para 3].
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Does not object to the new clause. 	[25]	
9	AMWU	Sub-04/04/18	22.4	Superannuation fund <ul style="list-style-type: none"> AMWU and BMCSA in dispute regarding this clause. 	[4]	RESOLVED
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> AMWU has varied the clause to include Sunsuper as a default fund. 		
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Does not object to the new clause 22.4. 	[20]	
10	BMCSA	Sub-06/12/17	31	Personal/carer's leave and compassionate leave <ul style="list-style-type: none"> Submits that clauses 31.1(b) and (c) be amended so that an employee's personal/carer's leave entitlement is set at the NES level of 10 days per annum. Further submits that clause 31.2 is unnecessary and should not be included in the proposed award. With respect to proposed clause 31.3, while the BMCSA submits that the Upper Respiratory Tract Infection Leave (URTI leave) clause is justified, the clause should be redrafted to reflect the wording in the <i>Air Pilots Award 2010</i>. 	[96]- [100]	RESOLVED Transcript- 16/02/18 : Provisional agreement as to personal carer's leave and URTI leave; compassionate

Table 3: Resolved items in the AMWU's draft Helicopter Aircrew Award as at 13 April 2018						
ITEM	PARTY	DOCUMENT	CLAUSE	SUMMARY OF SUBMISSION	THEIR REF	NOTES
				<ul style="list-style-type: none"> With respect to the proposed clause 31.6, the BMCSA submits that "bereavement leave" should be replaced with "Compassionate leave is provided for in the NES" and any other entitlement should be considered as a matter for enterprise bargaining. 		leave still requires consideration [PN61].
	AMWU	Sub-24/01/18		<ul style="list-style-type: none"> Open to discussing further entitlements to align with industry standards. Opposes to any reduction in URTI leave or that any aircrew be required to attend work while on this leave as this is likely to expose colleagues to infections. 	[61]-[64]	
	AMWU	Sub-04/04/18		<ul style="list-style-type: none"> AMWU and BMCSA reached agreement re clause. 	[3]	
	AMWU	Draft Award – 13/04/18		<ul style="list-style-type: none"> Parties have agreed on the varied clause which provides for 6 days of URTI leave on commencement and on each anniversary year, without accumulating. 		
	BMCSA	Sub-20/04/18		<ul style="list-style-type: none"> Not addressed specifically, however it agrees in principle with this clause, however submits the matter is better dealt with as part of revising an exposure draft of the Proposed Award. 	[7]	
	AMWU	Sub-27/04/18		<ul style="list-style-type: none"> Confirms this clause is now agreed. 	[86]	

List of abbreviations (in alphabetical order))

AMWU Australian Manufacturing Workers' Union
 AWU The Australian Worker's Union

SUMMARY OF SUBMISSIONS

BMCSA	Babcock Mission Critical Services Australasia (formerly Australian Helicopters)
CHC	CHC Helicopters
HSU	National Health Services Union
MOO	Modern Awards Objective
UV	United Voice