

FAIR WORK COMMISSION

Matter No: AM2016/3

Applicant: Australian Manufacturing Workers' Union

WITNESS STATEMENT OF CHARLES MCGREGOR-SHAW

I Charles McGregor Shaw [REDACTED], solemnly and sincerely declare the following:

BACKGROUND

1. I make this statement from my own knowledge except where I have indicated otherwise. Where I make a statement based on information provided to me, I believe the information is true and correct.
2. I have read the witness statements filed by the Australian Federation of Air Pilots (AFAP).
3. I am currently employed as an AirCrewman with CHC Helicopters and have been since 2004.
4. I have been an AirCrewman/AirCrew Officer for over 21 years and started my career as an Australian Army Loadmaster which involved numerous qualifying courses over 8 months before I gained my initial qualification.
5. I started my civilian AirCrewman career with CHC Helicopters at their Canberra EMS base shortly after my departure from Defence and worked there until taking a position at CHC Helicopter's RAAF SAR Tindal base as the Senior Crewman and Base Manager in 2006.
6. Whilst based at Tindal for the last 13 years I have toured to most of CHC's bases around Australia as an AirCrewman covering EMS, Onshore and

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Offshore SAR roles whilst fulfilling various roles - Base Manager; Health, Environment, Security and Safety officer; Senior Base Crewman and adhoc Contract Manager.

7. I took a break from CHC fulltime and joined CareFlight in their NT operation in 2016 as an Aircrew Officer for approximately 18 months and continued my involvement in the EMS role on their Darwin based helicopter as an Aircrew Officer, medical crew trainer and technical writer.

8. I returned to CHC Helicopters in 2018 at their Tindal Base as the Base Manager and senior Crewman. In my 21-year flying career I have qualified to operate as an AirCrewman in various Helicopter types including:
 - Bell UH-1H;
 - Sikorsky S70A-9;
 - Bell 412 Classic and EP;
 - Sikorsky S76;
 - Eurocopter AS 332;
 - Eurocopter EC225 and the
 - Augusta Westland AW139.

9. AirCrewman and Pilots when working in the same helicopter are all working in the same fatiguing environment – sitting around a crew-room waiting for the call to head off in a very hot or very cold noisy vibrating capsule in which, as team, they must achieve their goal. Whether that goal is landing at a roadside accident, winching a survivor out of a hole in the trees, landing on the deck of a ship to pick up a patient or searching for a lost bushwalker at night pilots and aircrew can't achieve that task without the other.

10. They work the same hours and operate in the same conditions and are exposed to the same stresses as each other each day they are at work together.

HOURS OF WORK

11. A pilot is rostered to work in accordance with his Employment Agreement and the Company Operations Manual. The Company Operations Manuals are required to be approved by CASA and as such must be within the limits set by the various Rules and Regulations and in the case of work hours come under CAO 48.1. A company may apply to have their employees work under an approved Fatigue Risk Management System (**FRMS**) which meets the limitations set in CAO 48.1.
12. CHC Helicopters has an approved FRMS and as per their Operations Manual OMA all Flight Crew must work within the limits set out in this FRMS which is attached to this statement and marked **CMS-1**.
13. As above an AirCrewman is rostered to work in accordance with his Employment Agreement and the Company Operations Manual. CHC Helicopters Operations Manual OMA 6.11 states that all Technical Crew (another company generic name for an AirCrewman/Aircrew Officer/Aircrew Member) “...are subject to the limitations of chapter 7 FRMS. This means, as a Company operations manual requirement, aircraft technical crew must not exceed the limitations of the FRMS...”
14. So, to sum up, when Pilots are working alongside AirCrewman they are generally both working the same rostered shifts and the same hours unless there are circumstances where a Pilot or AirCrewman may be working different Work Practices to achieve a rostering outcome.
15. Both Pilots and AirCrewman can be rostered on various Work Practices described in the Company FRMS and which Work Practice is worked is

dependent on which contract they are working. The Work Practices allow for 11,12- and 24-hour shifts in various days on and off configurations.

16. When I'm rostered on a RAAF Search and Rescue (SAR) base I generally work a Work Practice 4 roster which allows me to be rostered 10 days out of 14 and I'm limited to 11-hour days. This is the same for Pilots that are working this Work Practice.
17. Work Practices cover both crewmen and aircrew, and generally crewmen and pilots will be working on the same work practice when working alongside one another. The only time that would differ is if you're filling in from another base. Also, some Work Practices allow for longer days or work hours – provided you have a longer break at the end of the tour. But generally speaking, pilots and crewmen work the same work practice when working alongside one another.
18. When I'm rostered at an Emergency Medical Service (EMS) base I can be rostered on either a Work Practice 2 (**WP2**) or Work Practice 6 (**WP6**) roster which is as follows:
 - a. WP2 – three 24 hr shifts (24 on/24 off) over 6 days followed by three days off;
 - b. WP6 - two 10 hour days followed by two 14 hour nights followed by 4 days off.
19. When I'm rostered on an Army contracted base, I can be rostered on Work Practice 1A which allows me to be rostered for duty up to 12 hours a day for 21 consecutive days with an appropriate period of days off (0.87 days off per days worked) afterwards.

FATIGUE RISK MANAGEMENT STANDARDS

20. Flying Time (when referring to Flight and Duty Times) is generally the time recorded when engines are started on the Helicopter to when they are stopped. This is the times that you would log in your Aircrew Logbook. Flying time (when referring to Maintenance recording of a helicopters hours) is generally when the helicopter lifts into the hover to when it fishes its flight and lands.
21. By distinction, duty time is that period where an employee is working and not resting or on standby. The FRMS states limits for Duty time and Standby time.
22. An AirCrewman's duty hours are determined by contractual requirements whilst keeping within FRMS and EBA limits. This is the same for Pilots.
23. CHC Helicopters applies its CASA approved FRMS to AirCrewman because they believe that from a Risk Management point of view both the AirCrewman and the Pilot are working alongside each other in the same helicopter doing their individually specific roles and although their roles may differ at various points of the flight they are both exposed to the same fatiguing factors.
24. I note the assertion by Mr David Croal at [11] of his statement that:

“(Aircrewperson) regularly work a roster involving 24 hour periods and accept overtime beyond the flight and duty limits set for pilots. Companies roster aircrewperson on 24 hour shifts and do allow shift extensions with overtime payments.”
25. This is incorrect. As stated above AirCrewman can only work within the FRMS limits.

NON PILOT FLYING DUTIES

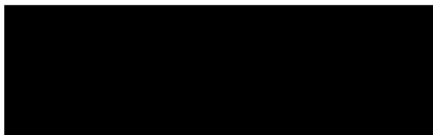
26. The non-pilot flying or Pilot Monitoring (PM) is to monitor the aircraft's flight path (including autopilot systems, if selected), complete checklists, perform

Air Traffic Control (ATC) radio calls, and to bring any operational concerns to Pilot Flying (PF's) attention as soon as practical. They also include non-ATC radio communications, check aircraft systems, passenger briefings, flight administrative duties - fills out the Navigation log, etc. In my career, I have engaged in all of the above duties except for the ATC calls.

TRAINING

- 27. I accept that there are significant distinctions between pilots and crewmen with regards to the training to become qualified.
- 28. However, once a person is qualified, either as an aircrewman or as a pilot, the whole team in the aircraft has certain benchmarks that it must meet on a periodic basis. For example, we need to do an overland winch every 90 days.
- 29. In total, a crewman at CHC has 42 recencies and currencies that he or she needs to perform in order to maintain their competence. I don't know how many a pilot is required to do, but I understand it to be a similar amount.
- 30. Pilots and Aircrew also get tested annually on our jobs. Pilots and Crewmen have different currencies, and recencies and tests in terms of the content of each of these currencies and recencies, but the requirement to go through these checks and tests that we need to pass is common to both pilots and aircrew.

END



CHARLES MCGREGOR-SHAW

12 / 11 / 19.

DATE