

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 in relation to the provisional views expressed by the Full Bench in its decision of 15 February 2022 (“**February 2022 Decision**”),¹ concerning 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**”).

The provisional views

3. The Full Bench expressed the *provisional views* that:
 - a) with some minor drafting modifications it should adopt the changes to the September draft award agreed between the parties;² and
 - b) that the variation of the Award in accordance with the draft determination is necessary to accommodate coverage of helicopter aircrew within the Award and that the variations are necessary to achieve the modern awards objective.
4. Subject to the submissions made below in relation to the proposed all-purpose allowances clause, Babcock and CHC agree with the provisional views.

Proposed all-purpose allowances clause

5. The February 2022 Decision stated [footnote omitted]:

The AMWU has proposed the Pilots Award contain a clause listing all-purpose allowances in respect of helicopter aircrew. The proposed clause lists additional qualifications supervisory aircrewpersons allowances, the NVG allowance and the MICA allowance as allpurpose allowances. Babcock and CHC submit that they have reviewed the proposed clause and agree with the wording.³

6. Footnotes in that paragraph referred to AMWU submissions made on 12 November 2021,⁴ and Babcock and CHC submissions made on 11 November 2021.⁵

¹ [\[2022\] FWCFB 14](#)

² At [21]

³ At [18]

⁴ [AMWU submission](#), 12 November 2021, at paragraph 17

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7. The all-purpose allowance clause in the Draft Determination at Schedule E.3.6 is not the version of the clause that was submitted by the AMWU in its 12 November 2021 submissions and agreed by Babcock and CHC.
8. The clause in the Draft Determination is an earlier version proposed by AMWU and tabled on 14 October 2021 in a summary of comments on the September draft of the Award to assist the Commission at the conference of 15 October 2021.⁶ It contains a subclause (a) that does not appear in the final clause submitted.
9. At the 15 October 2021 conference, subclause (a) was discussed as being ambiguous, and there was a consensus that it could be removed.⁷ The version submitted by AMWU on 12 November 2021 with which Babcock and CHC agreed does not contain subclause (a).⁸

Remainder of the Draft Determination

10. Babcock and CHC have no other concerns with the Draft Determination published by the Commission on 15 February 2022.

Draft Air Pilots Award 2020

11. Babcock and CHC make the following observations of the translation of the Draft Determination into the February 2022 draft of the Award. (Paragraph references are to the Draft Determination.)
 - 11.1. Paragraph 4: the former definition of “home base (pilots employed subject to Schedule D..)” has not been deleted.
 - 11.2. Paragraph 5: the change from “pilot” to “employee” has not been made.
 - 11.3. Paragraph 6: the change from “pilot” to “employee” has not been made.
 - 11.4. Paragraph 7: the words “or helicopter aircrewperson” after the word “pilot” appearing in the definition of “search and rescue” have not been inserted.
 - 11.5. Paragraph 9: the change from “pilot” to “employee” has not been made.
 - 11.6. Paragraph 84: the change from “pilot” to “employee” has not been made in one instance in the first line of clause 19.3.

⁵ [Babcock and CHC submission](#), 11 November 2021, at paragraph 7(d).

⁶ [summary of comments on the September draft](#), 14 October 2021

⁷ [Transcript of conference](#), 15 October 2021, at PN 94-PN100

⁸ [AMWU submission](#), 12 November 2021, at paragraph 17

11.7. There is a numbering issue in Schedule E.4.2. Subclause (a) is “tools of trade”. From part (iv) onward, the identified allowances are not subordinate to the Tools of Trade allowance and should be renumbered as (b) to (h), commencing from (b) Loss of baggage allowance.

Signed:



Chris Ridings
Representative of Babcock and CHC

24 February 2022