

From: Lauren Bahr [<mailto:Lauren.Bahr@emaconsulting.com.au>]
Sent: Tuesday, 3 July 2018 11:24 AM
To: Chambers - Hamilton DP; Sydney Registry
Cc: Shayne Bakewell; Angela Edwards; Iosefo Tapusoa; Peter McDonell;
michael.nguyen@amwu.asn.au; vince.rogers@ashurt.com; gabriel.miller@amwu.org.au
Subject: AM2016/3 - Submissions re Proposed Helicopter Aircrew Award

Dear Deputy President

We act for Lloyd Helicopters Pty Ltd T/A CHC Helicopters (“**CHC**”).

Please find attached the following documents in relation to our client’s request to lodge submissions in relation to this matter:

- Covering letter to FWC;
- Submissions in relation to proposed Helicopter Aircrew Award; and
- Notice of Representative Commencing to Act.

Please let us know if you require any additional information from our client.

Kind regards,

Lauren Bahr | Senior Consultant | EMA Consulting
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My working days are Mondays, Tuesdays and Thursdays



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3 July 2018

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Deputy President Hamilton
Fair Work Commission
Level 4, 11 Exhibition Street
Melbourne VIC 3000

By Email: chambers.hamilton.dp@fwc.gov.au

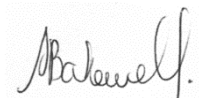
Dear Deputy President

AM2016/3 - Proposed Helicopter Aircrew Award

We act for Lloyd Helicopters Pty Ltd T/A CHC Helicopters ("**CHC**").

We seek your permission to lodge the attached submissions in relation to the above matter on behalf of our client. A Notice of Representative Commencing to Act is also attached.

Yours sincerely,



Shayne Bakewell
Principal Consultant/Director

FAIR WORK COMMISSION

Matter No.: AM2016/3 - Four yearly review of modern awards – Proposed Helicopter Aircrew Award
Applicant: Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union (“**AMWU**”)

Submissions of Lloyd Helicopters Pty Ltd

1. Lloyd Helicopters Pty Ltd T/A CHC Helicopters (“**CHC**”) writes to put forward submissions in relation to the draft proposed *Helicopter Aircrew Award 2018* (“**Proposed Award**”) in Attachment A to the submissions of the Australian Manufacturing Workers’ Union (“**AMWU**”) dated 13 April 2018 (“**AMWU April Submissions**”).

About CHC

2. CHC is the Australian operation of CHC Helicopters, a global helicopter services company. CHC Helicopters is headquartered in British Columbia, Canada and operates more than 129 aircraft in 30 countries around the world.
3. CHC Helicopters is a global leader in Helicopter Services, Helicopter Emergency Medical Services, Search and Rescue (“**SAR**”) and Helicopter Maintenance, Repair and Overhaul. It is a world leader in the provision of transportation to offshore oil and gas platforms and vessels, operating in almost every major oil-producing region in the world. CHC also operates one of the world’s largest networks of SAR services. Heli-One (a subsidiary of CHC Helicopters) is the world’s largest helicopter support company. It delivers comprehensive and innovative solutions that maximise safety, optimise mission readiness and reduce total cost of ownership.
4. CHC Helicopters currently employs approximately 2790 people worldwide. CHC employs approximately 410 as part of its Australian operations.
5. As one of the largest helicopter services companies operating within Australia, CHC has a vested interest in the Proposed Award.

Overview of Objections

6. CHC has reviewed the AMWU submissions, the supplementary submissions provided by Babcock Mission Critical Services Australasia Pty Ltd (“**Babcock**”) dated 20 April 2018 (“**Babcock April Submissions**”) and the submissions in reply provided by the AMWU on 27 April 2018 (“**AMWU April Reply Submissions**”). The submissions set out below have been drafted on the basis of the status of the relevant issues as contained in those documents.
7. CHC objects to a number of the terms in the Proposed Award as currently drafted. These include:
 - (a) Clause 19.6 – Other Required Additional Skill Certification Allowance
 - (b) Clause 19.7 – Fitness Allowance
 - (c) Clause 19.9 – Overseas Allowance
 - (d) Clause 19.26 – Income Protection Insurance
 - (e) Clause 27 – Overtime Days Worked
 - (f) Clause 28 – Overtime Hours Worked
 - (g) Clause 32 – Jury Service Leave

Prepared/Lodged by:	EMA Consulting Pty Ltd CHC Representative	Telephone:	08 8203 1700
Address for Service:	Unit 4, 215 Port Road Hindmarsh SA 5007	Fax:	08 8340 4626
		Email:	shayne.bakewell@emaconsulting.com.au

Terms in the Proposed Award

Clause 19.6 - Other Required Additional Skill Certification Allowance

8. CHC is concerned that by removing the monetary amount for the allowance that was included in earlier drafts, it creates the potential for uncertainty and disagreement amongst the workforce.
9. CHC also supports the Babcock April Submissions in relation to this clause.

Clause 19.7 – Fitness Allowance

10. CHC supports Babcock’s submission that this allowance would be more appropriately dealt with through enterprise bargaining. The *CHC Helicopters (Australia) Crewperson Enterprise Agreement 2017 – 2019* (“**CHC Agreement**”) includes a fitness allowance and CHC agrees that the amount of such an allowance (if required) will vary depending on the size and operations of the particular employer.

Clause 19.9 – Overseas Allowance

11. The CHC Agreement includes an ‘appropriate allowance’ for operations that are considered remote or overseas. The amount of this allowance varies depending on the location of the employee.
12. CHC supports Babcock’s proposal of utilising the Australian Taxation Office’s *Taxation Determination TD 2017/19 Reasonable travel and overtime meal allowance expense amounts* for overseas travel based on which country the employee is visiting.

Clause 19.26 – Income Protection Insurance

13. Although the CHC Agreement provides for income protection insurance on very similar terms to what is proposed by the AMWU, CHC is of the view that this is a benefit that would be more appropriately dealt with through enterprise bargaining.
14. CHC supports the Babcock submissions dated 6 December 2017 (“**Babcock December Submissions**”) in relation to this issue.

Clause 27 – Overtime Days Worked

15. The overtime provisions included in the CHC Agreement are based on fixed overtime rates, not on the employee’s ordinary daily rate.
16. CHC supports the Babcock April Submissions and the Babcock December Submissions in relation to this clause.

Clause 28 – Overtime Hours Worked

17. CHC supports the Babcock April Submissions in relation to this clause.

Clause 32 – Jury Service Leave

18. CHC is of the view that the number of paid jury service leave days should be capped at ten days in line with the National Employment Standards.
19. CHC supports the Babcock April Submissions in relation to this clause.

EMA Consulting Pty Ltd
Representative for Lloyd Helicopters Pty Ltd T/A CHC Helicopters
3 July 2018

Form F53 Notice of representative commencing to act

Fair Work Act 2009, s.596 and Fair Work Commission Rules 2003, Rules 11 and 12

This is a notice to the Fair Work Commission that a lawyer or paid agent is commencing to act in a matter in accordance with the [Fair Work Act 2009](#).

The represented party



These are the details of the person who a lawyer or paid agent is commencing to act for in a matter.

Title	<input type="checkbox"/> Mr <input type="checkbox"/> Mrs <input checked="" type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Angela		
Surname	Edwards		
Postal address	IBM Building, Level 4, 1060 Hay Street		
Suburb	West Perth		
State or territory	WA	Postcode	6005
Phone number	08 6217 7458	Fax number	
Email address	angela.edwards@chcheli.com		

If the represented party is a company or organisation please also provide the following details

Legal name of business	Lloyd Helicopters Pty Ltd
Trading name of business	CHC Helicopters (Australia)
ABN/ACN	46 007 916 912
Contact person	Angela Edwards

The party's representative



These are the details of the person or organisation that is representing the party in the matter.

Name of person	Shayne Bakewell		
Organisation	EMA Consulting		
Postal address	PO Box 140		
Suburb	Hindmarsh		
State or territory	SA	Postcode	5007
Phone number	08 8203 1700	Fax number	08 8340 4626
Email address	shayne.bakewell@emaconsulting.com.au		

The other party



These are the details of the other party in the matter.

Title	<input checked="" type="checkbox"/> Mr <input type="checkbox"/> Mrs <input type="checkbox"/> Ms <input type="checkbox"/> Other please specify:		
First name(s)	Michael		
Surname	Nguyen		
Postal address	Level 3, 133 Parramatta Road		
Suburb	Granville		
State or territory	NSW	Postcode	2142
Phone number	02 9897 9133	Fax number	02 9897 9275
Email address	michael.nguyen@amwu.org.au		

If the other party is an organisation please also provide the following details

Legal name of organisation	Automotive, Food, Metals, Engineering, Printing and Kindred Industries Union
Trading name of organisation	Australian Manufacturing Workers' Union (AMWU)
ABN/ACN	
Contact person	Michael Nguyen

1. Details of the matter

1.1 What is the name and matter number of the matter before the Commission?

Four yearly review of modern awards – Proposed Helicopter Aircrew Award
AM2016/3

1.2 Which party are you commencing to act for in the matter before the Commission?

- Applicant
 Respondent
 Other

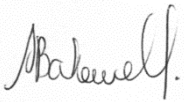
Provide details of the party if it is not the applicant or respondent.

Lloyd Helicopters Pty Ltd is not a party to this matter but it wishes to make submissions in relation to the proposed Helicopter Aircrew Award.

Signature



If you are completing this form electronically and you do not have an electronic signature you can attach, it is sufficient to type your name in the signature field. You must still complete all the fields below.

Signature	
Name	Shayne Bakewell
Date	3 July 2018
Capacity/Position	Representative of Lloyd Helicopters Pty Ltd



Where this form is not being completed and signed by the Respondent, include the name of the person who is completing the form on their behalf in the **Capacity/Position** section.

PLEASE RETAIN A COPY OF THIS FORM FOR YOUR OWN RECORDS