

From: Vince.Rogers@ashurst.com [<mailto:Vince.Rogers@ashurst.com>]
Sent: Friday, 27 July 2018 10:18 AM
To: Chambers - Hatcher VP
Cc: michael.nguyen@amwu.org.au
Subject: RE: AM2016/3 Proposed Helicopter Aircrew - Variation to directions extension of time

Dear Associate

Further to the email sent by Mr Nguyen last night, our client does not object to the request made by Mr Nguyen.

If an extension of time is granted, we request that the extension be reciprocated to our client, Babcock Mission Critical Services Australasia Pty Ltd.

Kind regards

Vince Rogers

Partner

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From: Michael Nguyen [<mailto:michael.nguyen@amwu.org.au>]
Sent: Thursday, 26 July 2018 8:07 PM
To: Chambers - Hatcher VP
Cc: Rogers, Vince 67285
Subject: AM2016/3 Proposed Helicopter Aircrew - Variation to directions extension of time

Dear Associate to Vice President Hatcher,

I am writing to respectfully request a variation to the [directions](#) issued in this matter 25 July 2018, to allow for the Union to have an extended period of time to provide responses.

The list of issues identified from the transcript would require more time and resources than the fortnight allows for.

I am currently preparing responses to 21 specific issues taken on notice, along with providing an answer to general questions of principle asked about each allowance amount (of which there are 22). I've copied below by signature block the questions taken on notice in paraphrased form and the relevant PN reference of the transcript.

I presently also have carriage of other matters which will be coming before the Commission in the next two weeks along with a range of other industrial matters.

There is currently insufficient time for the Union to be the most helpful to the Commission through the responses to the questions.

I respectfully request that the directions be varied to allow for an additional 8 working days for the union to properly investigate, seek instructions and to conduct the analysis requested.

The variation proposed is for the date in paragraph 1 of the [directions](#) to be changed to 17 August 2018.

Sincerely,

Michael.

Michael Nguyen
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1. What is the basis of all the allowances and are they appropriate for a minimum safety net (PN337-340)?
 - a. Tool of trade
 - b. Night Vision Goggles
 - i. Specifically also, why are there differing amounts for each classification (PN343)?
 - c. Mobile Intensive Care Ambulance Allowance
 - i. Specifically also, why is the reference to Ambulance Victoria? And Are there state based differential issues (PN362)?
 - ii. Does it create an intersection with the Ambulance Award (PN368)?
 - d. Fitness Allowance
 - i. Specifically, are there other examples of this type of allowance in another modern award (PN457 – 465)?
 - ii. Why are Aircrew different from police or firefighters?
 - e. Overnight allowance
 - f. Overseas allowance
 - i. Specifically, do AFP have similar provisions (PN557)?
 - g. Continuous duty allowance
 - h. Accommodation and transport allowance
 - i. Meal allowance

- i. Breakfast
- ii. Lunch
- iii. Dinner

- j. Laundry allowance
- k. Camping allowance
- l. Transport allowance
- m. Loss of baggage allowance
- n. Passport and vaccination
- o. Permanent transfers
- p. Telephone
- q. Associated duties expenses
- r. Protective clothing and uniforms
- s. Indemnity

- i. Specifically, also address jurisdictional issue and issue of whether allowance if no payment made (PN560 -574).

- ii. What is the prevalence of fines in the industry (PN822)? Not taken on notice, however question addressed to employer rather than the union who is proposing clause, procedural fairness warrants a response.

- t. Life Insurance and TPD

- i. Specifically, also address jurisdictional issue and possibly redraft (PN579 - 590).

- ii. Where does this exist in other awards (PN596 - 604)

- u. Income protection

- i. Specifically, also address jurisdictional issue (PN605-606).

2. Which enterprise agreements exist in the industry (PN360)?
3. Are there other clauses in the Award system which provide for parties to discuss the implementation of new skill requirements (PN450 - 451)?
4. What classifications does the Miscellaneous Award cover that might apply to Aircrew (PN412 - 413)?

5. Do Tourism and Transport operators use helicopters large enough to require engaging Aircrew (PN545 – 550)?
6. Can the Fair Work Act 2009 apply to employees while deployed overseas and which specific provision allow the Fair Work Act 2009 to apply to employees overseas (PN555 – 558)?
7. Redraft the Public Holidays substitution clause and confirm whether or not the NES may provide for substitution if the Award doesn't contain a facilitation clause allowing substitution (PN681 – 685)
8. How are pilots remunerated for additional days overtime in the Pilots award (PN689 - 692)?
9. Why can't the classifications and entitlements be included in the Pilots Award (PN697 – 702)?
10. What are the entitlements for URTI Leave in the Air cabin crew and Pilots award (PN711 – 712)?