



DETERMINATION

Fair Work Act 2009

s.156—4 yearly review of modern awards

4 yearly review of modern awards - Proposed Helicopter Aircrew Award

(AM2016/3)

AIR PILOTS AWARD 2020

[MA000046]

Airline operations

VICE PRESIDENT HATCHER
DEPUTY PRESIDENT HAMILTON
COMMISSIONER SIMPSON

SYDNEY, 28 FEBRUARY 2022

Proposed Helicopter Aircrew Award – amendments to Air Pilots Award 2020 – award varied.

A. Further to the decision issued by the Full Bench of the Fair Work Commission on 28 February 2022 [[2022] FWCFB 17] the above award is varied as follows:

1. By deleting the word “pilot” appearing in the definition of “appropriate accommodation” and inserting the word “employee”.
2. By deleting the word “pilot” appearing in the definition of “continuous service” and inserting the word “employee”.
3. By inserting the following definition in clause 2 in alphabetical order:

helicopter aircrew, helicopter aircrewperson, or aircrewperson means an employee other than a pilot who is employed in helicopter operations as a surveillance aircrewperson, rescue aircrewperson, surveillance mission coordinator, aircrewperson, line training aircrewperson, check and training aircrewperson, or chief aircrewperson.

4. By deleting the definition of “home base (pilots employed subject to Schedule D—Sector Specific Conditions—Helicopter Operations of this Award)” in clause 2 and inserting the following:

home base (employees subject to Schedules D or E) means the base at which an employee from time to time is permanently domiciled.

5. By deleting the words “a pilot” and “pilot’s” appearing in the definition of “layover” in clause 2 and inserting “an employee” and “employee’s” respectively.

6. By deleting the words “a pilot” appearing in the definition of “permanent transfer” in clause 2 and inserting “an employee”.
7. By inserting “or helicopter aircrewperson” after the word “pilot” appearing in the definition of “search and rescue” in clause 2.
8. By inserting the following definition in clause 2 in alphabetical order:

standard rate for helicopter aircrew means the minimum weekly wage for an aircrewperson.
9. By deleting the words “a pilot” appearing in the definition of “temporary transfer” in clause 2 and inserting “an employee”.
10. By inserting “and helicopter aircrew” after the words “air pilots” appearing in clause 4.1.
11. By inserting “or helicopter aircrew” after the word “pilot” appearing in clause 4.2.
12. By renumbering clauses 4.3 to 4.6 as clauses 4.4 to 4.7.
13. By inserting a new clause 4.3 as follows:

4.3 This award does not cover employees who are covered by:

 - (a) the *Medical Practitioners Award 2020*;
 - (b) the *Airline Operations – Ground Staff Award 2020*;
 - (c) the *Ambulance and Patient Transport Industry Award 2020*.
14. By deleting the words “Recall of pilot from annual leave” in the provision column of the table at clause 7.4 and inserting “Recall from annual leave”.
15. By deleting the word “Pilots” appearing in clause 8.1 and inserting “Employees”.
16. By deleting the word “pilot” appearing in clause 8.2 and inserting “employee”.
17. By inserting “or helicopter aircrew” after the words “pilots” appearing in clause 9.1.
18. By deleting the words “pilot is a pilot” appearing in clause 9.2 and inserting “employee is an employee”.
19. By deleting the word “pilots” appearing in clause 9.3 and inserting “employees”.
20. By deleting the word “pilot” wherever it appears in clause 9.4 and inserting “employee”.
21. By deleting the word “pilot” appearing in clause 9.6 and inserting “employee”.

22. By renumbering clauses 10.3 to 10.6 as clauses 10.4 to 10.7.
23. By inserting a new clause 10.3 as follows:
- 10.3** A casual helicopter aircrewperson will be paid per flying hour at the rate of 1/38th of the minimum weekly rate prescribed for the class of work performed (including applicable allowances).
24. By deleting the word “pilot” appearing in clause 10.4 and inserting the word “employee”.
25. By inserting the words “or 10.3” after the words “clause 10.2” appearing in clause 10.4.
26. By deleting the word “pilots” appearing in clause 10.5 and inserting “employees”.
27. By deleting the word “pilot” appearing in clause 10.6(a) and inserting “employee”.
28. By deleting clause 11.1(d) and inserting the following:
- (d) Helicopter operations—pilots**
- See Schedule D—Sector Specific Conditions—Helicopter Operations—Pilots
29. By inserting clause 11.1(e) as follows:
- (e) Helicopter operations – aircrew**
- See Schedule E—Sector Specific Conditions—Helicopter Operations—Aircrew
30. By deleting the words “a pilot” appearing in clause 13.2 and inserting “an employee”.
31. By deleting clause 13.3 and inserting the following:
- 13.3** Where an employee fails to reach or maintain a standard required the employee will receive further re-training and a subsequent check. The employee may elect to have a different check pilot/check and training aircrewperson (as applicable) on the second occasion.
32. By deleting the words “a pilot” and “pilot” appearing in clause 13.4 and inserting “an employee” and “employee” respectively.
33. By deleting the words “pilot’s” and “pilot” wherever they appear in clause 13.5 and inserting “employee’s” and “employee” respectively.
34. By deleting the heading “**Training bonds**” appearing at clause 13.6 and inserting “**Training bonds—pilots**”.
35. By deleting the words “A pilot” and “pilot” appearing in clause 14.1(a) and inserting “An employee” and “employee” respectively.

36. By deleting the word “pilot” appearing in clause 14.1(b) and inserting “employee”.
37. By deleting the words “a pilot” appearing in clause 14.1(c) and inserting “an employee”.
38. By deleting the words “a pilot” and “pilot” wherever they appear in clause 14.1(e) and inserting “an employee” and “employee” respectively.
39. By deleting the words “a pilot” and “pilot” appearing in clause 14.1(f) and inserting “an employee” and “employee” respectively.
40. By deleting the words “A pilot”, “pilot” and “pilot’s” wherever they appear in clause 14.2(a) and inserting “An employee”, “employee” and “employee’s” respectively.
41. By deleting the words “A pilot” and “pilot’s” appearing in clause 14.2(b) and inserting “An employee” and “employee’s” respectively.
42. By deleting the words “a pilot” and “pilot’s” appearing in clause 14.2(c) and inserting “an employee” and “employee’s” respectively.
43. By deleting the words “a pilot” and “pilot” wherever they appear in clause 14.2(d) and inserting “an employee” and “employee” respectively.
44. By deleting the words “pilot’s” and “pilot” wherever they appear in clause 14.2(e) and inserting “employee’s” and “employee” respectively.
45. By deleting the words “a pilot”, “pilot” and “pilot’s” appearing in clause 14.2(f) and inserting “an employee”, “employee” and “employee’s” respectively.
46. By deleting the words “a pilot”, “pilot’s” and “pilot” wherever they appear in clause 14.2(g) and inserting “an employee”, “employee’s” and “employee” respectively.
47. By deleting the words “a pilot” appearing in clause 15.4 and inserting “an employee”.
48. By deleting the words “A pilot” and “pilot” appearing in clause 15.4(a) and inserting “An employee” and “employee” respectively.
49. By deleting the words “A pilot” and “pilot” appearing in clause 15.4(b) and inserting “An employee” and “employee” respectively.
50. By deleting the words “A pilot” appearing in clause 15.4(c) and inserting “An employee”.
51. By deleting the word “pilot” appearing in clause 15.4(e) and inserting “employee”.
52. By deleting the word “pilot’s” appearing in clause 15.4(e)(i) and inserting “employee’s”.
53. By deleting the words “a pilot” and “pilots” appearing in clause 15.6(a) and inserting “an employee” and “employees” respectively.

54. By deleting the word “pilot” appearing in clause 15.7 and inserting “employee”.
55. By deleting the words “a pilot” and “pilot” appearing in clause 15.8(a) and inserting “an employee” and “employee” respectively.
56. By deleting the words “a pilot” appearing in clause 15.8(b) and inserting “an employee”.
57. By deleting the words “A pilot” and “pilot” appearing in clause 15.8(c) and inserting “An employee” and “employee” respectively.
58. By deleting the words “A pilot” appearing in clause 15.8(d) and inserting “An employee”.
59. By deleting the words “pilot” and “a pilot” appearing in clause 15.8(e) and inserting “employee” and “an employee” respectively.
60. By deleting the words “A pilot” appearing in clause 15.8(f) and inserting “An employee who is a pilot”.
61. By deleting the word “pilot” appearing in clause 15.8(g) and inserting “employee”.
62. By deleting the word “pilot” appearing in clause 15.8(h) and inserting “employee”.
63. By deleting the words “a pilot” appearing in clause 15.8(i) and inserting “an employee”.
64. By deleting the word “pilots” appearing in clause 15.8(k) and inserting “employees”.
65. By deleting the words “a pilot” appearing in clause 15.8(l) and inserting “an employee”.
66. By deleting the word “pilot” appearing in clause 15.8(m) and inserting “employee”.
67. By deleting the word “pilot” appearing in clause 15.8(n) and inserting “employee”.
68. By deleting the words “a pilot” and “pilot” appearing in clause 15.8(o) and inserting “an employee” and “employee” respectively.
69. By deleting the word “pilot” appearing in clause 15.8(p) and inserting “employee”.
70. By deleting the words “A pilot” and “pilot” wherever they appear in clause 15.8(q) and inserting “An employee” and “employee” respectively.
71. By deleting the words “a pilot”, “pilot” and “a pilot’s” appearing in clause 15.8(r) and inserting “an employee”, “employee” and “an employee’s” respectively.
72. By deleting the word “pilots” appearing in clause 16.2 and inserting “employees”.
73. By deleting the word “pilot’s” appearing in clause 16.3 and inserting “employee’s”.
74. By deleting the words “A pilot’s” appearing in clause 16.4 and inserting “An employee’s”.

- 75. By deleting the word “pilot(s)” appearing in clause 16.5 and inserting “employee(s)”.
- 76. By deleting the words “A pilot” appearing in clause 16.6 and inserting “An employee”.
- 77. By deleting the word “pilot” appearing in clause 16.6(d) and inserting “employee”.
- 78. By deleting the words “pilots” and “a pilot’s” wherever they appear in clause 16.7 and inserting “employees” and “an employee’s” respectively.
- 79. By deleting the words “a pilot” appearing in clause 16.8 and inserting “an employee”.
- 80. By deleting the word “pilot” appearing in clause 17.1 and inserting “employee”.
- 81. By deleting the word “pilot” appearing in clause 17.2 and inserting “employee”.
- 82. By deleting clause 18.4 and inserting the following:

18.4 Helicopter operations—pilots

See Schedule D—Sector Specific Conditions—Helicopter Operations—Pilots

- 83. By inserting clause 18.5 as follows:

18.5 Helicopter operations—aircrew

See Schedule E—Sector Specific Conditions—Helicopter Operations—Aircrew

- 84. By deleting the words “a pilot” and “pilot” wherever they appear in clause 19.3 and inserting “an employee” and “employee” respectively.
- 85. By inserting the word “and” after the word “regulations)” in clause 19.3.
- 86. By inserting “or to helicopter aircrew” at the end of clause 20.2(a)(i).
- 87. By deleting the word “Pilots” appearing in clause 20.2(b)(ii) and inserting “Employees”.
- 88. By deleting clause 20.2(c)(ii) and inserting the following:

- (ii) Where an employer requires the use of night vision goggles (NVG), employees other than helicopter aircrew who have been trained in the use of NVG’s will be paid the NVG allowance as follows:

	\$ per annum
Single pilot command	8959.44
Multi pilot command	5970.74
Co-pilot	4475.67

- 89. By inserting clause 20.2(c)(iii) as follows:

- (iii) The night vision goggles allowance for helicopter aircrew is in clause E.4.1(b).
90. By deleting the words “A pilot” appearing in clause 20.2(d)(i) and inserting “An employee”.
91. By deleting the word “pilot” appearing in clause 20.2(d)(ii) and inserting “employee”.
92. By deleting the words “a pilot” appearing in clause 20.2(d)(iii) and inserting “an employee”.
93. By inserting the words “or to helicopter aircrew” at the end of clause 20.3(a)(i).
94. By deleting the word “pilots” appearing in clause 20.3(b)(i) and inserting “employees”.
95. By deleting the words “A pilot” and “pilot” appearing in clause 20.3(b)(ii) and inserting “An employee” and “employee” respectively.
96. By deleting the words “a pilot” and “pilot” wherever they appear in clause 20.3(b)(iii) and inserting “an employee” and “employee” respectively.
97. By deleting the words “a pilot” and “pilot” appearing in clause 20.3(b)(v) and inserting “an employee” and “employee” respectively.
98. By deleting the heading “**Loss of licence allowance**” appearing at clause 20.3(c) and inserting “**Loss of pilot’s licence allowance**”.
99. By deleting the word “pilot” and “pilot’s” appearing in clause 20.3(e)(iii) and inserting “employee” and “employee’s” respectively.
100. By deleting the words “pilot” and “pilots” appearing in clause 20.3(e)(iv) and inserting “employee” and “employee’s” respectively.
101. By deleting the words “a pilot” and “pilot” appearing in clause 20.3(f) and inserting “an employee” and “employee” respectively.
102. By deleting the words “A pilot”, “a pilot” and “pilot’s” wherever they appear in clause 20.3(g)(ii) and inserting “An employee”, “an employee” and “employee’s” respectively.
103. By deleting the words “a pilot” appearing in clause 21.1 and inserting “an employee”.
104. By deleting the word “pilot” wherever it appears in clause 21.2 and inserting “employee”.
105. By deleting the words “pilots” and “pilot” appearing in clause 21.4 and inserting “employee” and “employees” respectively.
106. By deleting the word “pilot” appearing in clause 21.6 and inserting “employee”.
107. By deleting the words “a pilot’s” and “pilot” appearing in clause 21.7 and inserting “an employee’s” and “employee” respectively.

108. By deleting the words “a pilot” appearing in clause 21.8 and inserting “an employee”.
109. By deleting the word “pilot” wherever it appears in clause 21.9 and inserting “employee”.
110. By deleting the word “employees” appearing in clause 21.11(a) and inserting “pilots”.
111. By renumbering clauses 21.11(b) to 21.11(e) as clauses 21.11(c) to 21.11(f).
112. By inserting a new clause 21.11(b) as follows:
- (b) An employer will provide each of their employees engaged as helicopter aircrew with insurance for accidental death or accidental total and permanent disability benefit of not less than **\$283,126** over and above any entitlement under accident compensation legislation.
113. By inserting “or 21.11(b) (as applicable)” after the words “clause 21.11(a)” appearing in clause 21.11(c).
114. By deleting the word “pilot’s” appearing in clause 21.11(c) and inserting “employee’s”.
115. By deleting clause 21.11(d) and inserting the following:
- (d) An employee’s entitlement under a superannuation scheme provided by their employer to a death benefit of not less than an amount prescribed in clause 21.11(a) or 21.11(b) (as applicable) will satisfy the employer’s obligations under clause 21.11.
116. By deleting the words “a pilot” and “pilot” wherever they appear in clause 21.11(e) and inserting “an employee” and “employee” respectively.
117. By deleting the word “**Pilot**” appearing in the heading of clause 21.12.
118. By deleting the words “A pilot”, “pilot’s” and “pilot” wherever they appear in clause 21.12 and inserting “An employee”, “employee’s” and “employee” respectively.
119. By deleting clause 22.4 and inserting the following:

22.4 Superannuation fund

Unless, to comply with superannuation legislation, the employer is required to make the superannuation contributions provided for in clause 22.2 to another superannuation fund that is chosen by the employee, the employer must make the superannuation contributions provided for in clause 22.2 and pay the amount authorised under clauses 22.3(a) or (b) to one of the following superannuation funds or its successor:

- (a) In respect of pilots:
 - (i) Aviation Industry Superannuation Trust (TAIST).

- (b) In respect of helicopter aircrew:
 - (i) Australian Super; or
 - (ii) Sunsuper.
- (c) In respect of pilots and helicopter aircrew:
 - (i) any superannuation fund to which the employer was making superannuation contributions for the benefit of its employees before 12 September 2008 (in the case of pilots) or [date variation takes effect] 2022 (in the case of helicopter aircrew), provided the superannuation fund is an eligible choice fund and is a fund that offers a MySuper product or is an exempt public sector superannuation scheme; or
 - (ii) a superannuation fund or scheme which the employee is a defined benefit member of.

120. By deleting the words “A pilot” and “pilot” appearing in clause 23.2 and inserting “An employee” and “employee” respectively.

121. By deleting the words “a pilot” appearing in clause 23.5(b) and inserting “an employee”.

122. By deleting clause 23.5(b)(ii) and inserting the following:

- (ii) the employee’s actual salary or wage inclusive of allowances and additions to salary or wage,

123. By deleting the word “pilot” appearing in clause 23.6(c) and inserting “employee”.

124. By deleting the words “a pilot” appearing in clause 23.8(b) and inserting “an employee”.

125. By deleting the heading “**Recall of pilot from annual leave**” appearing in clause 23.9 and inserting “**Recall from annual leave**”.

126. By deleting the words “a pilot” and “pilot” appearing in clause 23.9(a) and inserting “an employee” and “employee” respectively.

127. By deleting the words “a pilot” and “pilot” wherever they appear in clause 23.9(b) and inserting “an employee” and “employee” respectively.

128. By deleting the words “a pilot” and “pilot” wherever they appear in clause 23.10(a) and inserting “an employee” and “employee” respectively.

129. By deleting the word “pilot” appearing in clause 23.10(a)(i) and inserting “employee”.

130. By deleting the word “pilot” appearing in clause 23.10(b) and inserting “employee”.

131. By deleting the word “pilots” appearing in clause 25.2 and inserting “employees”.

132. By deleting the word “pilots” appearing in clause 25.3(a) and inserting “employees”.
133. By deleting the word “Pilots” appearing in clause 25.3(c) and inserting “Employees”.
134. By deleting the word “pilot” appearing in clause 25.3(d) and inserting “employee”.
135. By deleting the words “a pilot” appearing in clause 25.3(f) and inserting “an employee”.
136. By deleting the words “a pilot” appearing in clause 25.6(b) and inserting “an employee”.
137. By deleting the word “pilot” wherever it appears in clause 25.6(b)(i) and inserting “employee”.
138. By deleting the word “pilot” appearing in clause 25.6(c) and inserting “employee”.
139. By deleting the heading “**Schedule D—Sector Specific Conditions—Helicopter Operations**” and inserting “**Schedule D—Sector Specific Conditions—Helicopter Operations—Pilots**”.
140. By renumbering schedules E to H as schedules F to I.
141. By inserting a new schedule E as follows:

Schedule E—Sector Specific Conditions—Helicopter Operations—Aircrew

- E.1** Despite anything else contained in this award, the following clauses will apply to all employers and helicopter aircrew conducting helicopter operations.
- E.2** If a provision in this schedule is inconsistent with another provision in this award, the provision in this schedule prevails to the extent of the inconsistency.
- E.3 Minimum wages and related matters**
 - E.3.1 Classification definitions**

Classifications are defined as follows:

- (a) **Surveillance aircrewperson** – A helicopter aircrewperson who is qualified and proficient in the operation of equipment and techniques necessary to be despatched on surveillance missions. A surveillance aircrewperson must have completed a Certificate III in Aviation or have equivalent level of skill and training.
- (b) **Rescue aircrewperson** – A helicopter aircrewperson who is qualified and proficient in the operation of equipment and techniques necessary to be despatched on surveillance missions and/or to be despatched from the helicopter to a person or persons in distress and to render the necessary aid prior to evacuation by the most appropriate means. They are also responsible for passenger safety during passenger transport operations. A rescue aircrewperson

must have completed a Certificate III in Aviation (Rescue Crew Officer) or have equivalent level of skill and training.

- (c) **Surveillance mission coordinator** – A helicopter aircrewperson who is qualified and proficient in the operation of equipment and techniques necessary to be despatched as the coordinator of surveillance missions.
- (d) **Aircrewperson** – A helicopter aircrewperson who is qualified and proficient in the techniques necessary to perform any of the following:
- search and rescue;
 - emergency medical;
 - rappelling;
 - sling loading;
 - surveillance missions;
 - passenger transport; or
 - winching operations.
- This may also include left front seat operations and assisting and monitoring the employees. Aircrewpersons are responsible for passenger safety during passenger transport operations. Aircrewpersons must satisfy the requirements for an Aircrewman/Winch operator set out in Civil Aviation Order 29.11. An aircrewperson must have completed a Certificate IV in Aviation (Air Crew Officer) or have equivalent level of skill and training.
- (e) **Line training aircrewperson** – An aircrewperson who at the direction of the employer performs instruction and/or training duties.
- (f) **Check and training aircrewperson** – An aircrewperson who is approved pursuant to the CAOs by the CASA to conduct, and who does so conduct at the direction of the employer, flight proficiency tests and who certifies to the competency of aircrewpersons so tested. He or she is responsible for the training and operational standards of aircrewpersons and rescue crewpersons.
- (g) **Chief aircrewperson** – An aircrewperson who is approved pursuant to the CAOs by the CASA to conduct, and who does so conduct at the direction of the employer, flight proficiency tests and who certifies to the competency of employees so tested. He or she is responsible to the head of check and training for operational and training matters in relation to cabin staff aligned to the company operations manual.

E.3.2 Minimum wages

Classification	Minimum weekly rate (full-time employee)	Minimum hourly rate
	\$	\$
Surveillance aircrewperson	950.90	25.02
Rescue aircrewperson	950.90	25.02
Surveillance mission coordinator	1006.00	26.47
Aircrewperson	1006.00	26.47

E.3.3 Additional qualifications – supervisory aircrew

	% of minimum weekly rate
Line training aircrewperson	5
Check and training aircrewperson	8
Chief aircrewperson	10
Check and training aircrewperson who is also Chief aircrewperson	12

E.3.4 Ordinary hourly rate of pay

The ordinary hourly rate of pay for the purposes of calculating overtime will be equal to the total of the minimum weekly rate of pay plus any additional qualifications (as set out in clause E.3.3) and any all-purpose allowances, divided by 38 hours.

E.3.5 Ordinary weekly rate of pay

The ordinary weekly rate of pay includes the minimum weekly rate of pay, any additional qualifications (as set out in clause E.3.3), and any all-purpose allowances.

The ordinary weekly rate of pay is to be paid each week for all types of work cycles, including any averaging of hours arrangement.

E.3.6 All-purpose allowances

All-purpose allowances applicable to helicopter aircrew under this award include the following:

- (i) Additional qualifications – supervisory aircrew;
- (ii) Night vision goggle operation allowance;
- (iii) Mobile intensive care ambulance allowance.

E.4 Allowances**E.4.1 Wage-related allowances****(a) Mobile intensive care ambulance allowance**

An employee who is trained and certified with a mobile intensive care ambulance certificate or substantially equivalent certification and is required by the employer to hold that qualification as part of their duties is entitled to an all-purpose allowance of **\$69.01** per week.

(b) Night vision goggles

Where an employer requires the use of night vision goggles (NVG), employees who have been trained in the use of NVG's will be paid the NVG allowance as follows:

	\$ per week
Rescue aircrewperson / Surveillance aircrewperson	56.54
Aircrewperson / Surveillance mission coordinator	90.34

E.4.2 Expense-related allowances

(a) Tools of the trade

(i) Where an employer requires an employee to utilise any tools of trade and does not provide those tools of trade free of cost to the employee, the employer must reimburse the employee for the reasonable cost of the purchase and maintenance of the tools of trade required in the performance of the employee's duties.

(ii) Tools of trade include the following:

- wet suit
- weight belt
- snorkel
- helmets
- diving fins
- stinger suit
- face mask
- flying gloves
- safety knife
- diving knife; and
- boots and gloves.

(iii) Where the employer requires an employee to utilise any tools of trade and does not provide those tools free of cost to the employee, the employer will reimburse an employee a reasonable amount to cover loss or damage to a crewperson's tools of trade as specified above, whilst at or operating from a specified area of operations of the employer.

(b) Loss of baggage allowance

The employer will reimburse an employee for reasonable loss or damage to personal baggage whilst travelling in the course of employment.

(c) Associated duty expenses

Upon production of receipts, the employer will reimburse an employee for all authorised out of pocket expenses incurred by him or her while providing assistance to passengers or clients in the course of his or her employment.

(d) Area allowances

Clause D.4.2(a) will apply to helicopter aircrew.

(e) Telephone

Clause D.4.2(b) will apply to helicopter aircrew.

(f) Camping out

Clause D.4.2(c) will apply to helicopter aircrew.

(g) Transport

Clause D.4.2(d) will apply to helicopter aircrew.

(i) Overnight allowance

Clause D.5.4 will apply to helicopter aircrew performing on-shore operations.

E.5 Transfers

Clause D.2 will apply to helicopter aircrew.

E.6 Duty travel

Clause D.3 will apply to helicopter aircrew.

E.7 Hours of Work and Related Matters

E.7.1 Ordinary hours of work and rostering

(a) Maximum weekly ordinary hours and requests for flexible working arrangements are provided for in the NES.

(b) The ordinary hours of employees will be in accordance with clause 15—Hours of work, days off and rest periods of this award and may average 38 hours per week over a period inclusive of meal breaks but:

(i) must not exceed 152 hours in 28 consecutive days; or

(ii) must not exceed 304 hours in 56 consecutive days.

E.7.2 Overtime

(a) An employee will be entitled to an overtime rate for all work performed in excess of or outside that employee's ordinary hours as prescribed by an employer in accordance with clause E.7.1.

- (b) The overtime rate will be **150%** of the ordinary hourly rate of pay (clause E.3.4) for the first 2 hours and **200%** of the ordinary hourly rate after 2 hours.
- (c) When computing overtime in accordance with clause E.7.2, each day will stand alone.

E.7.3 Time off instead of payment for overtime

- (a) An employee and employer may agree in writing to the employee taking time off instead of being paid for a particular amount of overtime that has been worked by that employee.
- (b) Any amount of overtime that has been worked by an employee in a particular pay period and that is to be taken as time off instead of the employee being paid for it must be the subject of a separate agreement under clause E.7.3.
- (c) An agreement must state each of the following:
 - (i) the number of overtime hours to which it applies and when those hours were worked;
 - (ii) that the employer and employee agree that the employee may take time off instead of being paid for the overtime;
 - (iii) that if the employee requests at any time, the employer must pay the employee, for overtime covered by the agreement but not taken as time off, at the overtime rate applicable to the overtime when worked; and
 - (iv) that any payment mentioned in clause E.7.3(c)(iii) must be made in the next pay period following the request.

NOTE: An example of the type of agreement required by this clause is set out at Schedule J—Agreement for Time Off Instead of Payment for Overtime. There is no requirement to use the form of agreement set out at Schedule J—Agreement for Time Off Instead of Payment for Overtime. An agreement under this clause can also be made by an exchange of emails between the employee and employer, or by other electronic means.

- (d) The period of time off that an employee is entitled to take is the same as the number of overtime hours or days worked.

EXAMPLE: By making an agreement under clause E.7.3 an employee who worked 2 overtime hours is entitled to 2 hours' time off.

- (e) Time off must be taken:
 - (i) within the period of 6 months after the overtime is worked; and
 - (ii) at a time or times within that period of 6 months agreed by the employee and employer.
- (f) If the employee requests at any time, to be paid for overtime covered by an agreement under clause E.7.3 but not taken as time off, the employer must pay

the employee for the overtime, in the next pay period following the request, at the overtime rate applicable to the overtime when worked.

- (g) If time off for overtime that has been worked is not taken within the period of 6 months mentioned in clause E.7.3(e), the employer must pay the employee for the overtime, in the next pay period following those 6 months, at the overtime rate applicable to the overtime when worked.
- (h) The employer must keep a copy of any agreement under clause E.7.3 as an employee record.
- (i) An employer must not exert undue influence or undue pressure on an employee in relation to a decision by the employee to make, or not make, an agreement to take time off instead of payment for overtime.
- (j) An employee may, under section 65 of the Act, request to take time off, at a time or times specified in the request or to be subsequently agreed by the employer and the employee, instead of being paid for overtime worked by the employee. If the employer agrees to the request then clause E.7.3 will apply, including the requirement for separate written agreements under clause E.7.3(b) for overtime that has been worked.

NOTE: If an employee makes a request under section 65 of the Act for a change in working arrangements, the employer may only refuse that request on reasonable business grounds (see section 65(5) of the Act).

- (k) If, on the termination of the employee's employment, time off for overtime worked by the employee to which clause E.7.3 applies has not been taken, the employer must pay the employee for the overtime at the overtime rate applicable to the overtime when worked.

NOTE: Under section 345(1) of the Act, a person must not knowingly or recklessly make a false or misleading representation about the workplace rights of another person under clause E.7.3.

E.8 Onshore helicopter operations specific provisions

E.8.1 Hours of duty and days free of duty

(a) Duty/flight time

Clauses D.5.5(a)(ii), D.5.5(a)(iii), D.5.5(a)(iv), D.5.5(a)(v) and D.5.5(a)(vi) will apply to helicopter aircrew performing onshore helicopter operations, provided that the reserve duty period commencing and finishing time (clause D.5.5(a)(v)) will be as agreed between the employer and the employee.

(b) Multiple day tours

Clause D.5.5(b) will apply to helicopter aircrew performing onshore helicopter operations.

E.8.2 Travelling and working away from home base

Clause D.5.6 will apply to helicopter aircrew performing onshore helicopter operations.

E.9 Offshore helicopter operations specific provisions

E.9.1 Hours of duty

Clauses D.6.5(b), D.6.5(c), D.6.5(d) and D.6.5(e) will apply to helicopter aircrew performing offshore helicopter operations.

E.9.2 Travelling and working away from home base

Clauses D.6.6(a) and D.6.6(b) will apply to helicopter aircrew performing offshore helicopter operations.

E.9.3 Employees operating away from home base

Clause D.6.6(c) will apply to helicopter aircrew performing offshore helicopter operations.

142. By deleting the heading “**Casual on-shore adult helicopter operations employee**” appearing at clause F.2.3 and inserting “**Casual on-shore adult helicopter pilots**”.

143. By deleting the heading “**Casual off-shore adult helicopter operations employees**” appearing at clause F.2.4 and inserting “**Casual off-shore adult helicopter pilots**”.

144. By inserting clause F.2.5 as follows:

F.2.5 Casual helicopter aircrew—overtime

Classification	Ordinary hourly rate	Overtime – first 2 hours	Overtime – after 2 hours
	% of minimum hourly rate		
	125%	175%	225%
	\$	\$	\$
Surveillance aircrewperson	31.28	43.79	56.30
Rescue aircrewperson	31.28	43.79	56.30
Surveillance mission coordinator	33.09	46.32	59.56
Aircrewperson	33.09	46.32	59.56

145. By deleting Schedule G and inserting the following:

Schedule G—Summary of Monetary Allowances

See clause 20—Allowances, Schedule A—Classifications, Minimum Salaries and Additions to Salaries—Airlines/General Aviation, Schedule B—Classifications, Minimum Salaries and

Additions to Salaries—Regional Airlines, Schedule C—Sector Specific Conditions—Aerial Application Operations, Schedule D—Sector Specific Conditions—Helicopter Operations—Pilots and Schedule E—Sector Specific Conditions—Helicopter Operations—Aircrew for full details of allowances payable under this award.

G.1 Wage-related allowances:

G.1.1 General wage-related allowances

The general wage-related allowances in this award are based on the [standard rate](#) as defined in clause 2—Definitions as the minimum salary for a Captain single engine UTBNI 1360 kg in schedule A.1.1 divided by 52 = **\$899.94**.

Allowance	Clause	% of standard rate	\$	Payable
Work on a rostered duty-free day	15.8(f)(ii)	12.4	111.59	per day worked
Engineering and other duties—50 hourly inspection	20.2(a)(ii)	9.9	89.09	per inspection
Engineering and other duties—Licensed Aircraft Maintenance Engineer qualification	20.2(a)(iii)	5.0	45.00	per hour or part thereof
Engineering and other duties—excessive freight weight—pilot required to load/unload aircraft	20.2(a)(iv)	12.0	107.99	per tour of duty
Night operations—personal inconvenience allowance	20.2(b)(ii)	1.8	16.20	per night operation flown
Night vision goggles (other than helicopter aircrew):	20.2(c)(ii)			
Single pilot command		995.56	8959.44	per annum
Multi pilot command		663.46	5970.74	per annum
Co-pilot		497.33	4475.67	per annum
Overseas duty allowance	20.2(d)(i)	3.9	35.10	per occasion
Airlines/General Aviation				
Piston engine aircraft—commuter operations	A.1.3(a)	183.0	1646.89	per annum
Airline Transport Pilots Licence (excluding Fokker-28 pilots)	A.1.3(b)	604.0	5435.64	per annum
Turbo-prop aircraft allowance	A.1.3(c)	797.0	7172.52	per annum
Turbo jet aircraft allowance (excluding Fokker-28 pilots)	A.1.3(d)	1280.0	11,519.23	per annum

Allowance	Clause	% of standard rate	\$	Payable
Instrument flying rating (excluding Fokker-28 pilots):	A.1.4			
Command or Class 1		732.0	6587.56	per annum
Co-pilot or Class 2		476.0	4283.71	per annum
Night VFR or Class 4		183.0	1646.89	per annum
Instrument flying rating—First Officer/Second Pilot:	A.1.6			
Command or Class 1		732.0	6587.56	per annum
Co-pilot or Class 2		476.0	4283.71	per annum
Night VFR or Class 4		183.0	1646.89	per annum
Piston engine aircraft—commuter operations—additional entitlement (see A.1.3(a))		65% additional as specified in A.1.6	1070.48	per annum
Turbo-prop aircraft allowance—additional entitlement (see A.1.3(c))		65% additional as specified in A.1.6	4662.14	per annum
Turbo jet aircraft allowance—additional entitlement (see A.1.3(d))		65% additional as specified in A.1.6	7487.50	per annum
Flight instruction—single engine:	A.1.7(a)(i)			
Grade II single engine charter		417.0	3752.75	per annum on appointment
Grade I single engine charter		834.0	7505.50	per annum on appointment
Flight instruction—multi engine:	A.1.7(a)(ii)			
Grade II multi engine charter		417.0	3752.75	per annum on appointment
Grade I multi engine charter		834.0	7505.50	per annum on appointment

Allowance	Clause	% of standard rate	\$	Payable
Flight instruction—single engine (Grade I instructor)—8 years of service	A.1.7(c)	106.0	953.94	per annum of sixth, seventh and eighth year of service
Instrument flying rating—flight instruction:	A.1.8			
Command or Class 1		732.0	6587.56	per annum
Co-pilot or Class 2		476.0	4283.71	per annum
Night VFR or Class 4		183.0	1646.89	per annum
Regional Airlines				
Freight weight allowance—in excess of 500kg—pilot required to load/unload aircraft	B.3.1	15.6	140.39	per tour of duty
Aerial Application Operations				
Training and/or checking allowance	C.9.6	3.0	27.00	per hour*
Helicopter Operations—Pilots				
Senior commercial pilot's licence allowance	D.4.1(a)	515.0	4634.69	per annum
Instrument flying rating:	D.4.1(b)			
Command		625.0	5624.63	per annum
Co-pilot		406.0	3653.76	per annum
Night LVMC		156.0	1403.91	per annum
Cattle mustering allowance	D.5.3(a)	2.5	22.50	per day or part thereof
Police operations:	D.5.3(b)			
Twin engine operations		1045.0	9404.37	per annum
Single engine operations		710.0	6389.57	per annum
Specific on-shore allowances—overnight allowance:	D.5.4			
Australia and dependencies		2.5	22.50	per night spent away from home base

Allowance	Clause	% of standard rate	\$	Payable
Overseas		2.5	22.50	per night spent away from home base
Specific off-shore additions—special duties	D.6.3	775.0	6974.54	per annum

* Training and/or checking allowance - either this hourly amount paid, or **100%** of the commission payable while in command of the aircraft, whichever is the greater.

G.1.2 Helicopter aircrew—wage-related allowances

These wage-related allowances are based on the standard rate for helicopter aircrew defined in clause 2—Definitions as the minimum weekly wage for an aircrewperson in schedule E.3.2 = **\$1006.00**.

Allowance	Clause	% of standard rate	\$	Payable
Mobile intensive care ambulance allowance	E.4.1(a)	6.86	69.41	per week
Night vision goggles:	E.4.1(b)			
Rescue aircrewperson / Surveillance aircrewperson		5.62	56.34	per week
Aircrewperson / Surveillance mission coordinator		8.98	90.54	per week

G.2 Adjustment of wage-related allowances

Wage-related allowances are adjusted in accordance with increases to wages and are based on percentage of the appropriate standard rate as specified.

G.3 Expense-related allowances:]

G.3.1 The expense-related allowances in this award will be adjusted by reference to the Consumer Price Index (CPI) as per the following:

Allowance	Clause	\$	Payable
Accommodation and meals—additional amount	20.3(a)(ii)	21.79	per night
Accommodation and meals—hardlying allowance	20.3(a)(iii)	96.62	per layover
Accommodation and meals—allowance to replace clauses 20.3(a)(ii) and 20.3(a)(iii)	20.3(a)(iv)	138.73	per layover

Allowance	Clause	\$	Payable
Accommodation and meals—meals for tours of duty commencing from layover port:	20.3(a)(v)		
0630–0800 hours		29.25	per occasion
1200–1330 hours		32.78	per occasion
1800–2000 hours		56.34	per occasion
Incidentals		21.79	per occasion
Accommodation and meals—camping out allowance	20.3(a)(vi)	106.21	per night or part thereof
Vehicle allowance	20.3(b)(v)	0.85	per km
Loss of pilot’s licence allowance—an amount of up to	20.3(c)	2140	per annum
Uniform allowance	20.3(e)(ii)	277.55	upon employment and annually
Clothing allowance—excessive wear and tear	20.3(e)(iii)	5.20	per week
Transport allowance—return travel	20.3(g)(ii)	8.05	per occasion
Accident insurance—death benefit—pilots:	21.11(a)		
Aerial application operations		88,161	Not less than
All other pilots		317,377	Not less than
Accident insurance—helicopter aircrew	21.11(b)	283,126	Not less than
Accident insurance reimbursement:	21.11(e)		
Aerial application operations—an amount of up to		881.61	per annum
All other operations—an amount of up to		528.95	per annum
Accommodation—not of an appropriate standard	B.4.2	124.49	per night
Accommodation—camping out allowance	B.4.3	106.21	per night
Layover allowance:	B.4.4		
—Australia and dependencies		21.79	per layover
—Elsewhere		47.94	per layover
Meals on layover:	B.4.5(a)		

Allowance	Clause	\$	Payable
—Breakfast		29.25	per occasion
—Lunch		32.78	per occasion
—Dinner		56.34	per occasion
Accommodation and meals—pilot securing own	B.4.6	138.73	per layover
Camping out allowance	D.4.2(c)	33.47	per night
Transport allowance	D.4.2(d)(i)	0.85	per km
Transport allowance—private vehicle	D.4.2(d)(iii)	0.85	per km
Travelling and working away from home base—meals:	D.5.6(b)(ii)		
—Breakfast		29.25	per occasion
—Lunch		32.78	per occasion
—Dinner		56.34	per occasion
Not relieved for duty between fourth and fifth hour	D.5.6(c)	22.33	per occasion
Shut down away from home base between 1200 and 1400 hours	D.5.6(d)	22.33	per occasion
Accommodation—disability allowance—an amount of up to	D.5.6(f)	24.92	per night
Camping out allowance—additional	D.6.4(c)	34.84	per night
Transport allowance	D.6.4(d)(i)	0.85	per km
Transport allowance—private vehicle	D.6.4(d)(iv)	0.85	per km
Pilots operating away from home base—daily travelling allowance	D.6.6(c)(i)	5.73	per hour or part thereof
Pilots operating away from home base—breakfast, lunch and dinner provided—daily travelling allowance		2.05	per hour or part thereof

G.3.2 Adjustment of expense-related allowances

- (h) At the time of any adjustment to the [standard rate](#), each expense-related allowance will be increased by the relevant adjustment factor. The relevant adjustment factor for this purpose is the percentage movement in the applicable index figure most recently published by the Australian Bureau of Statistics since the allowance was last adjusted.

- (i) The applicable index figure is the index figure published by the Australian Bureau of Statistics for the Eight Capitals Consumer Price Index (Cat No. 6401.0), as follows:

Allowance	Applicable Consumer Price Index figure
Accident and loss of licence insurance	Insurance sub-group
Uniform or protective clothing allowance	Clothing and footwear group
Accommodation, incidentals, hardlying and layover, and camping out allowances	Domestic holiday travel and accommodation sub-group
Meal allowance	Take away and fast foods sub-group
Transport allowance	Transport group
Daily travelling allowance	Domestic holiday travel and accommodation sub-group

G.4 Other allowances

Allowance	Clause	Payment detail
Telephone allowance—full-time and part-time pilots	20.3(d)	50% of rental costs

146. By renumbering Schedule I as Schedule K.

147. By inserting Schedule J as follows:

Schedule J—Agreement for Time Off Instead of Payment for Overtime

Link to PDF copy of [Agreement for Time Off Instead of Payment for Overtime](#).

Name of employee: _____

Name of employer: _____

The employer and employee agree that the employee may take time off instead of being paid for the following amount of overtime that has been worked by the employee:

Date and time overtime started: ___/___/20___ ___ am/pm

Date and time overtime ended: ___/___/20___ ___ am/pm

Amount of overtime worked: _____ hours and _____ minutes

The employer and employee further agree that, if requested by the employee at any time, the employer must pay the employee for overtime covered by this agreement but not taken as time off. Payment must be made at the overtime rate applying to the overtime when worked and must be made in the next pay period following the request.

Signature of employee: _____

Date signed: ___/___/20___

Name of employer representative: _____

Signature of employer representative: _____

Date signed: ___/___/20___

148. By updating the table of contents and cross-references accordingly.

B. This determination come into operation from 7 March 2022. In accordance with ss.165(3) and 166(5) of the *Fair Work Act 2009* this determination does not take effect in relation to a particular employee until the start of the employee's first full pay period on or after 7 March 2022.



VICE PRESIDENT

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