

IN THE FAIR WORK COMMISSION

Matter No.: C2019/5259

Review of certain C14 rates in modern awards

OUTLINE OF SUBMISSIONS

(re *Air Pilots Award 2010*)

Background

1. On 28 August 2019 the Fair Work Commission (the Commission) released a Statement¹, in which it announced a review of six modern Awards that contained one or more classifications at the C14 (or National Minimum Wage) rate, that were not a transitional level.
2. The *Air Pilots Award 2010* was one of those Awards identified.
3. Within the *Air Pilots Award 2010*, the classifications at C14 rates identified by the Commission as not being transitional were:
 - i. First Officers Second Pilots of Single engine UTBNI 1360 kg (as per Schedule B.1.1);
 - ii. First Officers Second Pilots of Single engine 1360 kg – 3359 kg (as per Schedule B.1.1); and,
 - iii. Aerial Application Pilot (with less than 1000 hours of flying experience) (as per Schedule D.9.1)².
4. The Commission further noted that additions in salary prescribed in Schedules B.1.3, B.1.4, and/or D.9.5 might mean that pilots employed on those classification rates receive an amount greater than the National Minimum Wage (NMW).

AFAP's Position

5. The Australian Federation of Air Pilots (AFAP) membership rules allow it to cover Pilots employed in each of those classifications.

¹ PR 711613

² Ibid, at [5]

Lodged by: AFAP Address for Service: Level 4, 132 – 136 Albert Road, South Melbourne VIC 3205	Telephone: (03) 9928 5737 Email: jmattner@afap.org.au
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6. The AFAP acknowledges the concerns raised by the Expert Panel in the 2018-19 Annual Wage Review that the relevant classifications at the C14 rate within the *Air Pilots Award 2010* are not transitional.³
7. The AFAP would note though that the classification of aerial application pilot (with less than 1000 hours of flying experience) could be considered a transitional classification. That is because a pilot is guaranteed to move to a different classification, after a certain target is reached. In this case the target is defined as the pilot amassing in excess of 1000 flying hours, rather than being expressed in terms of a specific length of time. However, it could be considered alternatively to be expressed in terms of a variable time period. The duration of that time period may be unclear, and potentially protracted, but nevertheless the period is finite, with the target (and the end of the time period) definitely arrived at, in due course.
8. As such, of the 5 categories stipulated in the Commission's Statement⁴, this classification may actually warrant re-allocation to either category (iii) or (iv).
9. That aside, the possible impact of non-transitional C14 rates on our members is of concern to the AFAP. As such, in relation to any pertinent classifications contained in the *Air Pilots Award 2010*, the AFAP supports the Commission's provisional view that the issue should be referred to a Full Bench.
10. In the conduct of its subsequent examination, the AFAP believes that the Full Bench will need access to industry specific knowledge. To that end, the AFAP would seek to be heard on this matter at the appropriate time.

³ Ibid, as cited at [2]

⁴ Ibid, at [4]