



30 November 2018

Our Ref: 20140500

Your Ref: AM2016/3

BY EMAIL: chambers.hatcher.vp@fwc.gov.au

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Dear Associate,

AM2016/3 - PROPOSED HELICOPTER AIRCREW AWARD

We refer to the above proceedings.

We act for the NSW Business Chamber Ltd (**NSWBC**), Australian Business Industrial (**ABI**) and the Northern NSW Rescue Helicopter Service Limited (**Westpac Rescue Service**).

We have recently been retained to act in this matter on behalf of the Westpac Rescue Service (which is also a member of both the NSWBC and ABI) and which has only very recently become aware of the existence of these proceedings.

The Westpac Rescue Service is a not-for-profit emergency helicopter service which operates four aero-medical helicopters between three bases in Newcastle, Lismore and Tamworth. The service employs air pilots, air crew persons, engineering and maintenance personnel, and other administrative, operations and management personnel. It is therefore a business that stands to be affected by the application before the Commission in these proceedings. In particular, we note that the Westpac Rescue Service was named as a relevant employer during the course of the proceedings (see [164] of the AMWU Submission filed 20 August 2018).

We are aware that the AMWU application was the subject of a hearing before a Full Bench of the Fair Work Commission (**Commission**) on 20 July 2018, and that the Commission's decision has been reserved. We therefore appreciate that our clients are coming to the proceedings extremely late. However, in the course of reviewing the materials filed in the proceedings and the transcript of the hearing on 20 July 2018, it is apparent that there has been a relative lack of involvement in the proceedings by employers, employer associations, or industry generally.

In light of the above context, and upon review of the proposed new modern award sought by the AMWU, our clients respectfully seek the leave of the Commission to file a brief submission in this matter. We anticipate that, if this request was to be granted, our clients' submission would briefly deal with a small number of discrete terms of the proposed new modern award, which have been identified as being of concern to our clients.



We acknowledge that this request is highly unconventional given that the Full Bench has reserved its decision; however our clients respectfully consider that the Commission would be assisted by such a submission, taking into account the lack of diversity of employer involvement in the proceedings to date.

If the Commission is minded to grant leave, we anticipate that the submission could be filed within 14 days, and our clients would not oppose other parties being given an opportunity to comment or respond to the matters raised in our clients' submission

We sincerely appreciate the Commission's consideration of this request.

If you have any questions, please contact Kate Thomson on (02) 4989 1003.

Yours sincerely



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