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Sent: Monday, 6 January 2020 1:15 PM
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Subject: Air Pilots Award 2010 – Exposure Draft – Typographical Errors

Dear Associate,

RE: *Air Pilots Award 2010* – Exposure Draft – Typographical Errors

The AFAP writes to the Commission, seeking the correction of several significant typographical errors contained in the latest version of the exposure draft of the *Air Pilots Award 2010*, republished on 14 October 2019.

The errors are contained in:

- i. Clauses 23 - Annual Leave; and,
- ii. Clause 24 - Excessive Annual Leave Accruals

As background, in a decision of a Full Bench of the Commission on 7 August 2018 ([2018] FWCFB 4175), it was determined that several changes should be made to the annual leave provisions in the exposure drafts of both the *Air Pilots Award 2010* and the *Aircraft Cabin Crew Award 2010* (refer paragraphs [35] – [48]).

That Full Bench decision dealt with two specific sub-clauses within the annual leave provisions, specifically:

- a) 18.4 - The requirement to take leave notwithstanding terms of the NES; and,
- b) 18.5 - Excessive Annual Leave Accruals.

(Please note that the numbering of these sub-clauses appears to have drawn from that contained in the exposure draft of the *Aircraft Cabin Crew Award 2010*, as at the date of the decision).

Unfortunately, the latest version of the exposure draft of the *Air Pilots Award 2010* does not reflect the Full Bench's decision accurately, in the following specific areas:

- i. The section titled "Excessive Annual Leave Accruals" is listed as a separate clause (clause 24) in the exposure draft, rather than being included as a sub-clause of the overall annual leave clause (clause 23), as clearly intended within the Full Bench's decision;
- ii. The sub-clause numbered 24.4, titled 'Cashing out of annual leave', has been erroneously moved, and included within clause 24 (Excessive Annual Leave Accruals), rather than be maintained in its proper position as a sub-clause of clause 23 (Annual Leave);
- iii. The sub-clause numbered 24.3, titled 'When annual leave can be taken', has similarly been erroneously included within clause 24.

This sub-clause, in particular, was clearly never intended to form part of the excessive annual leave accrual provisions. In fact, it is clearly incongruous with the intent of that clause, and the provisions of the surrounding sub-clauses.

Rather, by agreement of all parties, this sub-clause was meant to replace a different provision - sub-clause 23.6 (with the same title) in the latest exposure draft - in toto.

The AFAP seeks the exposure draft of the *Air Pilots Award 2010* be corrected accordingly.

Should the Commission require any further information in relation to these identified errors, please contact our office.

Regards,

James Mattner
Senior Industrial Officer



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