



DECISION

Fair Work Act 2009
s.156—4 yearly review of modern awards

4 yearly review of modern awards—Air Pilots Award 2010 (AM2018/14)

VICE PRESIDENT CATANZARITI
DEPUTY PRESIDENT ASBURY
COMMISSIONER MCKENNA

SYDNEY, 21 FEBRUARY 2020

4 yearly review of modern awards – Air Pilots Award 2010 – substantive issues – variation to Schedule C.

Introduction

[1] The Fair Work Commission is currently conducting a 4 yearly review of modern awards (the Review) in accordance with s.156 of the *Fair Work Act 2009* (the Act). This Full Bench was constituted to hear and determine certain substantive claims relating to the *Air Pilots Award 2010* (the Air Pilots Award).¹ This decision deals with a claim from the Australian Federation of Air Pilots (AFAP) to vary Schedule C of the Air Pilots Award.

[2] Schedule C of the Air Pilots Award sets out the classifications, minimum salaries and additions to salaries for pilots employed by regional airlines. AFAP sought a variation to the schedule “to ensure all air pilots to whom the award applies have a minimum rate set by the award”.²

[3] After filing submissions in March 2019, the parties conducted separate communication regarding the variation to Schedule C sought by AFAP.³ Parties have subsequently agreed on a number of amendments to Schedule C of the Air Pilots Award. These are set out in a submission from AFAP dated 8 November 2019.⁴ The agreed amendments proposed by the parties are outlined below.

Proposed amendments

[4] The parties agreed to the following amendments to clause C.1.1:

¹ [\[2018\] FWC 6107](#) at [3] and Attachment A.

² [Submission from AFAP](#), 26 March 2019 at [1].

³ See [Amended submission from Alliance](#), 12 August 2019 at [B.1].

⁴ [Submission from AFAP](#), 8 November 2019.

- inserting “Aero Commander 680” to the aircraft listed under “Group 3” with a minimum salary equivalent to the other group 3 aircraft;
- inserting “Aero Commander 690” to the aircraft listed under “Group 4” with a minimum salary equivalent to the other group 4 aircraft;
- amending “Dash 8-102, 200 and 300” to say “Dash 8-100, 102, 200 and 300” in the aircraft listed under “Group 9”;
- inserting “ATR 42-300” and “Fokker 50” to the aircraft listed under “Group 9” with minimum salaries equivalent to those set for the De Havilland aircraft; and
- typographical amendments changing “Beechcraf 55” to “Beechcraft 55”, “Beecherall 58” to “Beechcraft 58” and “Beechcrall 65” with “Beechcraft 65”;

[5] The parties also agreed to insert the following rows to the table at clause C.1.1:

Group 10 (turbo jet aircraft)

Fokker 70 and Fokker 100	134,391	88,747
Bae-146	134,391	88,747
Embraer 190/ I95	134,391	88,747
Airbus A319	140,892	92,790
Airbus A320	140,892	92,790
Boeing 737-300	140,892	92,790
Boeing 737-400	140,892	92,790

[6] We note the monetary amounts in AFAP’s submission setting out the agreed amendments are based on the rates in the Air Pilots Award as at 1 July 2018. The lower of the two rates set for the Group 10 categories of aircraft to be inserted at clause C.1.1 corresponds with the salary prescribed for pilots employed on Bae-146 aircraft at clause B.1.2, while the higher of the two rates corresponds with the salary prescribed for pilots employed on narrow body aircraft at clause B.1.2. We have amended the rates in the table above to reflect current award rates.

[7] The parties agreed to insert the following clause into the award:

“**C.1.2** If an employer and pilot covered by this Schedule C operate an aircraft type that is not listed in clause C.1.1, an application may be made to the Fair Work Commission to vary Schedule C to include that aircraft and the corresponding minimum annual salary”

[8] The parties agreed to renumber the content of “clause C.7—Additions to salary” as clause C.7.2 and insert the following clause into the award:

“**C.7.1** A pilot operating a turbo jet aircraft listed in Group IO in clause C.1.1 will be paid the following salary components in addition to their minimum salary, as applicable:

- (a) A pilot required to hold and exercise the privileges of a Senior Commercial Pilots' Licence or Airline Transport Pilots Licence by their company or CASA (or who operates under an exemption from holding that licence) will be paid 604% of the standard rate per annum.
- (b) Subject to clause C.7.1(c), a pilot flying a turbo jet aircraft will be paid 1280% of the standard rate per annum.
- (c) A First Officer/Second Pilot flying a turbo jet aircraft will be paid 65% of the amount specified in clause C.7. 1(b).
- (d) Pilots who are required to carry out flying using an instrument rating will be paid an additional allowance as follows. These amounts are paid in addition to the amounts specified in clause C. I .7(a), (b) and/or (c).

Instrument flying rating	Percentage of standard rate
	%
Command or Class 1	732
Co-pilot or Class 2	476
Night VFR or Class 4	183

[9] The parties also agreed to amend “Fokker 100B” to “Fokker 100” in the table appearing at clause B.1.2.

Consideration and next steps

[10] We agree with the proposed amendments agreed to by the parties and will vary the Air Pilots Award accordingly. We consider that this will achieve the modern awards objective set out at s 134(1) of the Act.

[11] A determination giving effect to our conclusion will be issued shortly ([PR716913](#)).



VICE PRESIDENT

Appearances:

S Lutton and A Molnar for the Australian Federation of Air Pilots.

L Saunders, K Nelson and J Andrews for the Regional Aviation Association of Australia Limited.

D Chin and D Diggins for Alliance Airlines Pty Ltd.

D Trindade for the Regional Express group of companies.

K Srdanovic and L Gray for the Qantas group of companies.

Hearing details:

2019.

Sydney:

November 12, 13

Appearances:

A Molnar and S Kelly for the Australian Federation of Air Pilots.

B Martin and J Andrews for the Regional Aviation Association of Australia Limited.

J Hignett for Alliance Airlines Pty Ltd.

D Trindade for the Regional Express group of companies.

K Srdanovic for the Qantas group of companies.

Hearing details:

2020.

Sydney:

February 5

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