



06 December 2016

Justice Iain Ross
President, Fair Work Commission
Melbourne Registry
Level 4, 11 Exhibition Street
MELBOURNE VIC 3001

By email: chambers.ross.j@fwc.gov.au

Dear Justice Ross,

4 Yearly Review of Modern Awards - Air Pilots Award 2010 – Substantive Claims Being Pursued

We refer to your Statement and Directions concerning the 4 Yearly Review of Modern Awards, dated 26 August 2016, and to our previous submissions in this matter dated 30 June 2016 and 18 July 2016.

To assist in your determination of the technical and drafting matters to be considered at today's hearing, we now seek to make comments regarding the existing claims made by the parties, as reflected in the summary of submissions on the technical and drafting issues lodged for this award.

We apologize for the delay in making these comments. Unfortunately, we were not notified of your Statement and Directions dated 26 August 2016 until they were brought to our attention late last week.

Referring specifically to the document headed "AM2014/252 – Air Pilots Award 2010 Summary of Submissions – Technical and Drafting" (as at 29 November 2016), and the items identified in that document, we say as follows:

ITEM	CLAUSE (EXPOSURE DRAFT)	SUMMARY OF ISSUE	NOTES
1	2	Definitions – Aerial Application	Proposed change is substantive - appropriate to discuss at a conference.
2	2	Definitions – Application Material	Proposed change is substantive - appropriate to discuss at a conference

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3	2	Definitions – appropriate accommodation	Agree that reference to C.1.4 should instead be to C.1.2.
4	2	Definitions – CAO	Proposed change is substantive - appropriate to discuss at a conference.
5	2	Definitions – CAR	Proposed change is substantive - appropriate to discuss at a conference
6	2	Definitions – Chief Pilot	Proposed change is substantive - appropriate to discuss at a conference.
7	2	Definitions – Duty Time	The AFAP maintains its position.
8	2	Definitions – Home Base	Agree that reference to Schedule E should instead be to Schedule D.
9	2	Definitions – Duty Time	Agree that references to Schedules B, C or D should instead be to Schedules A, B or C
10	4.1	Coverage	The clause should not be amended as proposed.
11	7.4	Facilitative Provisions	Agree that Clause 19.1(c) can be added to the list, and that Clause 7.4 can be amended by deleting the words ‘An individual or’

ITEM	CLAUSE (EXPOSURE DRAFT)	SUMMARY OF ISSUE	NOTES
12	8.2	Probation	The AFAP maintains its position.
13	9	Casual Employment – Definition of Terms ‘Flying Hour’ and ‘Flight Time’	The AFAP maintains its position.
14	9.5(b)	Minimum Payments	The AFAP maintains its position.
15	15.4	Hours of Work, Days Off and Rest Periods	The AFAP does not support amendments to this clause.
16	19.1(a)	Frequency of Payment	The clause should not be amended as proposed.
17	21	Accident Pay	The clause should not be amended as proposed.
18	21.11	Accident Insurance	Proposed change is substantive - appropriate to consider during a conference.
19	21.12	Pilot Indemnity	The clause should not be amended as proposed.
20	22.4	Superannuation Fund	The clause should not be amended as proposed.
21	32	Transfer to Lower Paid Job on Redundancy	Agree that the heading should be replaced with ‘Transfer to lower paid duties by reason of redundancy’.


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22	33	Employee Leaving During Redundancy Notice Period	Agree that cross reference in clause 33 should be replaced with references to clauses 32 and 34.
23	34.2	Job Search Entitlement - Redundancy	Agree that clause should be retained to make clear where clause 34.2 of Exposure Draft applies, entitlement under clause 34.1 does not arise.
24	Schedule A.1.3	Classifications and Minimum Salaries	AFAP maintains its position that that reference to 'Senior Commercial Pilots' Licence' should be removed
25	Schedule A.1.6	Classifications and Minimum Salaries – First Officer/Second Pilot	The AFAP maintains its position that clause should read 'A.1.3(a), (c) or (d).
26	Schedule B.1.1	Classifications, Minimum Salaries and Additions to Salaries Regional Airlines	Reference should be to 'Beechcraft 55'
27	Schedule B.1	Altering References from 'Beecherall' and 'Beechcrall' to 'Beechcraft'	References should be to 'Beechcraft'
28	Schedule C.2.3	Sector Specific Conditions – Aerial Application Operations – Hours of Work	Proposed change is substantive - appropriate to discuss at a conference.
29	Schedule C 6.3	Personal Leave	The AFAP maintains its position
30	Schedule C.8.1	Protective Clothing	The clause should not be amended as proposed.
31	Schedule C 6.3	Minimum Additions to Minimum Salary - Commission	Proposed changes are substantive - appropriate to discuss at a conference

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32	Schedule C.9.6	Training and/or Checking	Proposed change is substantive - appropriate to discuss at a conference.
33	Schedule E 2.2	Summary of Hourly Rates of Pay	The AFAP acknowledges that its calculations may have been made prior to the publication of rates taking effect from 1 July 2016. We also submit that the Commission may wish to prepare revised schedules for review prior to hearing.
34	Schedules E & F	Summary of Hourly Rates of Pay and Summary of Monetary Allowances	The AFAP maintains its position.
35	Schedule E.2.4	Casual Off-Shore Adult Helicopter Operations Employees	The AFAP maintains its position.
36	Schedule F.1	Summary of Monetary Allowances – Wage Related Allowances	The AFAP maintains its position.

We trust that this further submission is of assistance to the Commission.

Please contact Simon Miller at smiller@afap.org.au or on (03) 9928 5737 or should you have any queries or wish to discuss these matters further.

Yours sincerely,



Joanne Janes
Operations Manager