



DECISION

Fair Work Act 2009

s.306E—Application for a regulated labour hire arrangement order

Applications by Flight Attendants’ Association of Australia re Qantas Airways Limited

(C2024/3620, C2024/3622, C2024/4713)

JUSTICE HATCHER, PRESIDENT

SYDNEY, 22 APRIL 2025

Applications for regulated labour hire arrangement orders in respect of Qantas Domestic Pty Ltd, Maurice Alexander Management Pty Ltd and Altara Resources QF Pty Ltd in relation to work performed for Qantas Airways Limited.

[1] The Flight Attendants’ Association of Australia (**FAAA**) has applied under s 306E of the *Fair Work Act 2009* (Cth) (**FW Act**) for regulated labour hire arrangement orders to apply to Qantas Airways Limited (**Qantas**) as the regulated host and the following employers (together, **employers**):

- in matter C2024/3620: Qantas Domestic Ltd (**QD**);
- in matter C2024/3622: Maurice Alexander Management Pty Ltd;
- in matter C2024/4713: Altara Resources QF Pty Ltd.

[2] The relevant employees of the above employers work as flight attendants on, primarily, Qantas domestic flights. The host employment instrument in all cases is the *Flight Attendants’ Association of Australia - Short Haul Division (Qantas Airways Limited) Enterprise Agreement 10 (Agreement)*.¹

[3] On 17 March 2025, the Commission was advised that the FAAA, Qantas and the employers had reached agreement that the regulated labour hire arrangement orders should be made as sought by the FAAA in each matter on the basis that the operative date of the orders would be as follows:

- in matter C2024/3620: 14 July 2025;
- in matter C2024/3622: 11 August 2025; and
- in matter C2024/4713: 11 August 2025.

[4] No party other than the FAAA, Qantas or the employers has indicated an interest in the application.

[5] The factual material before the Commission consists of the contentions of fact contained in the FAAA’s originating applications, which are not the subject of contest, Statements of

Agreed Facts in each matter filed on 9 August 2024, and a Supplementary Statement of Agreed Facts encompassing all three matters filed on 17 April 2025. On the basis of this factual material, and applying the principles outlined in *Application by the Mining and Energy Union*,² I make the following findings. *First*, I am satisfied that the FAAA is a registered employee organisation that is entitled to represent the industrial interests of the regulated employees, and also of employees of Qantas covered by the Agreement, and is thus entitled to make the application pursuant to s 306E(7)(c).

[6] *Second*, I am satisfied that the requirements of s 306E(1) of the FW Act, which must be satisfied in order to enliven the obligation to make a regulated labour hire arrangement order, are met in that:

- (a) Each of the employers supply their employees to perform work as cabin crew members on Qantas domestic flights.
- (b) The Agreement would apply to the regulated employees if they were directly employed by Qantas to perform work as cabin crew members on Qantas domestic flights. Clause 4.1.4 of the Agreement provides that it applies to '[a]ll flight attendants who are employed by Qantas Airways Limited and primarily engaged on domestic routes in the classifications set out in this Agreement'. The classifications in the Agreement are those of Flight Attendant and Customer Service Manager (CSM). All of the regulated employees supplied to Qantas by the employers perform work falling within the scope of these classifications.
- (c) Qantas is not a small business employer.

[7] *Third*, I am satisfied, for the purpose of s 306E(1A) of the FW Act, that the performance of work by the regulated employees of each of the employers is not and will not be for the provision of a service, rather than the supply of labour. In forming this view, I have had regard to the matters set out in s 306E(7A) — in particular, that the regulated employees of each of the employers:

- (a) are allocated work by Qantas using rostering software administered by Qantas;
- (b) are instructed and directed in the performance of their work by Qantas, usually via Qantas' CSMs (although on some flights the CSM may be a regulated employee supplied by QD);
- (c) are subject to Qantas induction, initial and ongoing training;
- (d) perform their work on Qantas flights carried out with aircraft owned or leased by Qantas operating from Qantas bases, wear Qantas uniforms and use personal protective equipment, onboard amenities and break facilities provided by Qantas;
- (e) are required to perform work in accordance with the policies and procedures applicable to Qantas' directly-employed flight crew,
- (f) are required to comply with requirements prescribed by the Civil Aviation Safety Authority and the *Civil Aviation Act 1988* (Cth) and associated delegated legislation applicable to Qantas flights, and hold Aviation Security Identification Cards issued by Qantas; and
- (g) apart from the security and safety aspects of their role, do not perform work that is of a specialist or expert nature.

[8] There is no material before me suggesting that the employers are involved in any significant way in matters relating to the performance of work by the regulated employees.

[9] *Fourth*, in relation to s 306E(2) of the FW Act, I am not satisfied that it is not fair and reasonable in all the circumstances to make the regulated labour hire arrangement orders sought by the FAAA. Section 306E(2) requires the Commission to have regard to the matters listed in sub-s (8) in relation to which submissions have been made. In this case, no submissions were made in relation to any of the matters listed in sub-s (8). Accordingly, I am not required to have regard to those matters.

[10] Having made the findings above, I am required by s 306E of the FW Act to make the regulated labour hire arrangement orders sought by the FAAA in its applications. The orders are published together with this decision and set out the matters specified in s 306E(9) of the FW Act. The operative date of the orders will be as agreed by the parties and consistent with s 306E(9)(e)(ii).



PRESIDENT

Appearances:

L Saunders, counsel, with *M Cope* for the Flight Attendants' Association of Australia.

V Bulut, counsel, and *P Lawler*, solicitor, for Qantas Airways Limited and Qantas Domestic Pty Ltd.

M Seck, counsel, for Maurice Alexander Management Pty Ltd.

A Lambert, solicitor, for Altara Resources QF Pty Ltd.

Hearing details:

2024.

Sydney (report-back):

3 September.

2025.

Sydney (report-back):

18 February.

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² [\[2024\] FWC FB 299](#), 333 IR 249.