



# BRIEFINGS //

QANTAS Pilot Council

**TO // Qantas Short Haul and Long Haul Pilots**  
**FROM // AFAP Qantas Pilot Council**  
**DATE // 14 March 2025**  
**RE // Qantas Short Haul EA Update No. 21**

## Qantas Short Haul EA Update No 21

A friendly reminder, if you are not yet a member but would like to receive our briefs, please email: [membership@afap.org.au](mailto:membership@afap.org.au) with the subject line "Please add me to the QPC mailing list".

The Qantas SH EA that was recently voted up by pilots includes several improvements which are to be implemented in the second full bid period after approval by the Fair Work Commission (FWC). We recognise members are curious about the process and timeline for approval by the FWC.

### Timeline for Approval

Following the yes vote on the Short Haul EA on 24 February 2025, the Company has 14 days to submit the EA to the FWC for approval. This set a deadline for the company of Monday 10 March 2025.

On Friday 7 March, the Company filed the required documentation with the FWC. However, several of the documents were in a format that the FWC could not access, necessitating the company to resubmit the documentation, which they did on Monday 10 March.

While it is disappointing that the Company could not file the required documentation any sooner, they have still met the statutory requirements despite the error in the initial filing.

The FWC [sets target timeframes](#) for the approval of EAs, with approvals generally occurring within 10 to 20 working days. However, if there are issues with approving the document then the target is for approval to be finalised within 20 to 45 working days.

Ultimately the FWC determines the timeline based on each individual EA and agreements are approved relatively quickly provided they meet the requirements under the *Fair Work Act* (the Act). If a document is delayed it is because the FWC has identified issues with an EAs compliance with the Act.

### Fair Work Act Compliance Issues

As detailed in our [update on 6 February](#), the AFAP flagged two issues to the Company that may mean the EA, in its current form, does not comply with the *Fair Work Act* (the Act). These issues were:

- the new FOT pay scale being more than \$46,000 below the salaries in the *Air Pilots Award* ("Award"). The AFAP do not support Qantas' argument that a FOT is not a pilot covered by the Award until they check to line; and
- the dispute procedure does not comply with the requirements of s.186(6) of the Act by precluding the AFAP's right to initiate a dispute in its own name, and instead requires a pilot to initiate the dispute in their own name with the AFAP as their representative. This approach means a pilot





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will always have to identify themselves when raising a dispute, whereas if the AFAP initiates a dispute in its own name the affected pilots can often remain anonymous, which protects pilots from risk of retribution.

The AFAP raised these issues to provide an opportunity to correct them prior to the vote. This was despite being initially provided only 2 days to respond to the draft document (having been excluded from drafting until that point).

Qantas IR disagreed with the AFAP's concerns and refused to amend the document prior to the access period and vote. The AFAP now has an obligation to raise these concerns with the FWC, which will then make a final decision regarding the EA's compliance with the Act.

To support approval of the new SH EA in a timely manner, the AFAP has proposed in documentation to the FWC today solutions to address the above compliance issues. We outline those below.

## **FOT Pay Scales**

The Award provides the minimum terms and conditions of employment for all pilots employed within Australia. An EA may be negotiated that has conditions that modify or are less favourable than the Award, provided the EA passes the BOOT under s.193 of the Act.

Under the Award, the minimum salary for a narrow body FO is \$127,213, incorporating the additions to salary for operating a turbo jet aircraft and holding a command instrument rating. The Award does not provide for a training wage. The proposed FOT salary falls well short of this amount (more than \$46,000 less) and may mean the EA as it stands is unable to pass the BOOT.

This matter was discussed on multiple occasions with Qantas including prior to the first vote. Qantas' position has been that a pilot is not a First Officer under the Award until they check to line. The position of Qantas is that training does not form part of a pilots role as a First Officer.

The AFAP rejects this position. The AFAP position is that even under training a pilot employed as a First Officer on a narrow body jet is entitled to at least the Award rate as detailed above.

To resolve the BOOT issue, the AFAP has proposed Qantas provide an undertaking to pay at least the Award salary to a pilot under training as a First Officer. An undertaking if accepted by the FWC would mean that this then forms a term of the agreement that is approved.

## **Dispute Resolution Clause**

Although the dispute resolution clauses in SH EA9 are identical to those in EA8 and in the first vote, a decision by the FWC in December last year sheds new light on the requirements under the Act.

The December decision followed the AFAP raising concerns about the dispute resolution clauses in the PHI Helicopters EA. The issue centres on whether a union that is a party to the EA, such as the AFAP, can bring a dispute in its own name instead of requiring a member to do so.

This is important because if the AFAP can initiate a dispute in its own name to enforce the terms of the EA, the affected pilots can often remain anonymous, which protects pilots from risk of retribution.



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The AFAP raised this issue with the SH EA dispute resolution clauses, at our first opportunity which was after the drafting process between Qantas and AIPA was complete in February. We had assumed the drafters would be alive to the recent decision and have amended the EA dispute procedure accordingly. Qantas did not address these concerns prior to putting the EA out to a vote.

To facilitate approval of the SH EA, in our submission to the FWC today we have proposed inclusion of the model dispute resolution clause, which is an available remedy if an EA does not comply with s.186(6) of the Act.

## Conclusion

While it is regrettable that these two compliance issues may delay the approval of the SH EA, this could have been avoided if the issues were resolved when raised by the AFAP prior to the vote. The AFAP have now proposed solutions which if supported by both Qantas and AIPA will allow for the approval of the EA in a timely manner by the FWC.

It is imperative that a SH EA is fully compliant with the Act and provides all pilots operating under the EA all the rights they are entitled to, including payment above the minimum salary and the right for a union to run disputes to enforce the EA.

You will find the Unions' submissions to the FWC [here](#). The QPC will continue to provide further details future updates as the approval process moves forward, including the date of any hearings that may occur.

In the meantime if you have any questions regarding SH bargaining we welcome members contacting the QPC representatives below or the AFAP legal and industrial team of Senior Legal/ Industrial Officer Pat Larkins ([patrick@afap.org.au](mailto:patrick@afap.org.au)), Senior Industrial Officer Chris Aikens ([chris@afap.org.au](mailto:chris@afap.org.au)), and Executive Director Simon Lutton ([simon@afap.org.au](mailto:simon@afap.org.au)) to ensure that you are informed prior to voting.

Regards,

## AFAP Qantas Pilot Council

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