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**Cc:** [Chambers - Beaumont DP](#)  
**Subject:** B2024/91 - Application by Network Aviation Pty Ltd as Trustee for The Network Trust T/A Network Aviation Australia  
**Date:** Monday, 14 April 2025 6:59:51 PM  
**Attachments:** [Corporate Air Charter Pty Ltd v AFAP \[2025\] FCAFC 45.pdf](#)

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Dear Parties

**B2024/91 - Application by Network Aviation Pty Ltd as Trustee for The Network Trust T/A Network Aviation Australia**

We refer to the above matter in which the Full Bench has reserved its decision.

The Full Bench directs the parties' attention to the judgement of the Full Court of the Federal Court, handed down on 4 April 2025, in *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2025] FCAFC 45 (**attached**).

Mr Aikens gave evidence that the AFAP had recently been in a legal dispute with Corporate Air Charter Pty Ltd about the entitlements afforded by the Award in respect of standby (which, says the AFAP, is another way to refer to reserve).

The legal dispute was the subject of three judgments of the South Australian Employment Tribunal (**SAET/ South Australian Employment Court**). That same Court delivered judgments on 17 July 2023,<sup>[1]</sup> 11 April 2024,<sup>[2]</sup> and 29 May 2024 (**AFAP v Corporate No. 3**)<sup>[3]</sup>. It is observed that Mr Aikens noted that all three judgments had been appealed by Corporate Air Charter Pty Ltd to the Federal Court of Australia. In this regard, we observe the following in respect of the appeal:

- a. on 11 September 2024, the Federal Court of Australia ordered execution of judgement in *AFAP v Corporate (No. 3)* [2024] SAET 36 stayed pending outcome of appeal;
- b. on 18 October 2024, the Federal Court of Australia dismissed an interlocutory application by Qantas to intervene in *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2024] FCA 1225;
- c. on 19-20 October 2024, there was a hearing;
- d. on 20 October 2024, the judgment was reserved; and
- e. on 4 April 2025, a judgment issued.

In light of this judgment, the Full Bench wishes to hear from the parties as to the implication the judgment may have in respect of the workplace determination – for example, regarding rates of pay and ordinary hours.

The parties are directed as follows:

**Directions**

- **Network** is to file submissions, evidence and any modelling of pay rates in respect of the ‘BOOT’ and its draft workplace determination, with consideration being given to the judgment of the Full Court of the Federal Court in *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2025] FCAFC 45, by no later than **1600hrs (AWST) on Tuesday, 22 April 2025**.
- **Each Union** is to file submissions, evidence and any modelling of pay rates in respect of the ‘BOOT’ and its draft workplace determination, with consideration being given to the judgment of the Full Court of the Federal Court in *Corporate Air Charter Pty Ltd v Australian Federation of Air Pilots* [2025] FCAFC 45, by no later than **1600hrs (AWST) on Tuesday, 22 April 2025**.

Kind regards

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[\[1\]](#) Australian Federation of Air Pilots v Corporate Air Charter Pty Ltd [2023] SAET 63.

[\[4\]](#) Australian Federation of Air Pilots v Corporate Air Charter Pty Ltd [2024] SAET 23.

[\[2\]](#) Australian Federation of Air Pilots v Corporate Air Charter Pty Ltd [2024] SAET 36.

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