

Transport Workers' Union of Australia

National Office

a. 447 Kent St Sydney NSW 2000

t. 02 8114 6500

ABN 18 559 030 246



23 July 2026

Rodney Chasumba
Employee Relations Advisor
National Jet Express

By email: Rodney.Chasumba@nje.aero

Dear Rodney,

Re: BAE146 Pilots Forced Leave

Pilots have raised concerns with the Transport Workers' Union ("TWU") about National Jet Express Pty Ltd ("NJE") unilaterally allocating them annual leave on roster publish that they never applied or bid for. This is of particular concern for our BAE146 Pilots, given the approaching end of the Qantas contract.

The National Jet Express Pty. Ltd. Pilot Enterprise Agreement 2022 – 2026 ("the **Agreement**") clearly outlines how and when recreation leave ("**Annual leave**") in excess of 12 weeks is to be taken:

33.7 Where a Pilot accrues more than 12 weeks of annual leave, the Company will advise the Pilot accordingly and specify a minimum period of six months in which they will be entitled to take the minimum excess leave, in accordance with the NES.

NSW/QLD/VIC/TAS (Interim Governance)
Branch Secretary **Richard Olsen**
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Secretary
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The Agreement at clause 3.3 further states:

3.2 *This Agreement will be read and interpreted in conjunction with the National Employment Standards ("NES"). Where there is an inconsistency between this Agreement and a term of the NES, and the NES term provides a greater benefit to the employee, the NES term will apply to the extent of the inconsistency.*

The National Employment Standards ("NES") are contained in Part 2-2 of the *Fair Work Act 2009* (Cth) ("**Fair Work Act**"). Within this part, s 88 states:

- (1) *Paid annual leave may be taken for a period agreed between an employee and his or her employer.*
- (2) *The employer must not unreasonably refuse to agree to a request by the employee to take paid annual leave.*

Accordingly, NJE is unable to unilaterally force leave on pilots. Should NJE wish for Pilots with leave balances in excess of 12 weeks to reduce their balance, NJE can only nominate a period of at least 6 months in which Pilots may take their leave.

Forcing Pilots to take leave without prior notice or discussion is a breach of the Agreement terms and the NES. Additionally, doing so in advance of the cessation of the Qantas contract clearly alters the position of Pilots to their prejudice by reducing their leave balances so that they cannot enjoy the benefits of:

1. Remaining on a period of leave after the contract cessation to mitigate the need for redundancies; or

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2. Being paid out their remaining annual leave in the case of a redundancy.

We would require NJE to immediately recredit any annual leave that was not requested by BAE146 Pilots and to comply with its obligations under the Agreement and NES in relation to future leave allocations. We require a response by **12pm (AWST) on Friday 24 July 2026** confirming this issue has been rectified.

Yours sincerely,

Nick Faulks

Legal Officer

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