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**CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)**

**AND**

**CLIFTON FORMWORK PTY LTD (CLIFTON)**

**RE: ALLEGED NON PAYMENT OF SITE ALLOWANCE**

**MELBOURNE METRO PROJECT**

**12 JULY 2019**

**014-2019**

**DETERMINATION**

**(By Majority, Panel Member Hodges and Alternate Member unavailable)**

[1] The CFMEU notified a dispute on 8 July 2019 alleging non-payment of Site Allowance for work performed on the Melbourne Metro Tunnel Project. The CFMEU advised that the parties did not require a Conference.

[2] On 9 July 2019 the Panel sought written confirmation from the parties to the following:

- 1. That the Determinations made by the Panel in Matter No. 014-2017 have been reviewed by the party (copies attached).*
- 2. That the party has no submissions that demonstrate why Clifton should not be subject to the same outcomes found by the Panel in those Determinations.*
- 3. That the party agrees that the Panel should proceed to determine this Dispute without a Hearing.*

[3] Both the CFMEU and Clifton responded in the affirmative to each point.

[4] The relevantly applicable Enterprise Agreement is the *Clifton Formwork (Vic) Pty Ltd and the CFMEU (Victorian Construction and general Division) Enterprise Agreement 2016-2018*.

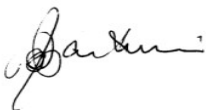
[4] The Agreements provide that disputes in relation to site allowances can be determined by the Panel.

[5] Clifton advised the Chairman that it had performed works subcontracted to it by CYP on the Metro Tunnel Project during the period November to December 2018 and it has been engaged similarly since June 2019. The site allowances paid to its employees for these works have been less than the quantum determined in Matter No. 014-2017.

[6] The parties have confirmed they have been unable to settle the matter of applicable site allowances for those works.

[7] The Panel finds that there are no matters of substance that have arisen or been submitted to it that warrant a different outcome to the findings and Determinations in Matter No. 014-2017.

[10] Accordingly the Panel determines that the Project scope, site allowance quantum and operative dates determined in Matter No. 014-2017 will apply to Clifton. The Panel requires Clifton to implement the terms of this Determination expeditiously, including the making of retrospective payments as applicable.



**Peter Parkinson**  
**Chairman**



**Tony Cordier**  
**Panel Member**