



Chairman: Peter Parkinson
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**PLUMBING AND PIPE TRADES EMPLOYEES UNION / CEPU PLUMBING
DIVISION VIC BRANCH (PPTEU)**

AND

ADEPT DRAINAGE PTY LTD (ADEPT)

**RE: ALLEGED NON PAYMENT OF SITE ALLOWANCE
MELBOURNE METRO PROJECT**

25 JUNE 2019

008-2019

DETERMINATION

[1] The PPTEU notified a dispute on 14 May 2019 alleging non-payment of Site Allowance for work performed on the Melbourne Metro Tunnel Project.

[2] The Panel convened a Conference of the parties on 20 June 2019 and issued a Statement which is to be read in conjunction with this Determination.

[3] The relevantly applicable Enterprise Agreements are the *Adept Drainage Pty Ltd and CEPU - Plumbing Division (Vic) Enterprise Agreement 2011-2015* and its replacement, the *Adept Drainage Pty Ltd and CEPU-Plumbing Division Victorian Branch Plumbing/Drainage Enterprise Agreement 2017-2020*.

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

[5] Adept performed works subcontracted to it by John Holland as part of the Early Works on the Metro Tunnel Project during the period June 2017 to December 2018.

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

[7] The Chairperson determined and the parties agreed as follows:


- i. that Adept be provided an opportunity to review the referenced Determinations and applicable Statements of the Panel in 014-2017 (these were provided to Adept on 20 June 2019);*
- ii. that Adept advise the Chairperson no later than 5.00pm Thursday 27 June 2019 as to whether or not it wished to make any submissions to demonstrate why Adept should not be subject to the same outcomes found by the Panel in those Determinations; and*
- iii. in the event Adept wish to make such submissions the Chairperson will list the matter for formal Hearing, or if Adept does not wish to make any submissions, the Chairperson will proceed to issue a final Determination in this matter.*

[8] On 24 June 2019 Adept advised the Chairman in writing as follows:

“Adept do not wish to make any submissions as to why previous decisions handed down by the panel should not be the same as those previous decisions handed down. Therefore, we accept the panel’s pending decision in determining the site allowance payable on the Metro Tunnel Early Works project.”

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

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

A handwritten signature in black ink, appearing to read 'Peter Parkinson', with a small superscript '1' at the end.

Peter Parkinson

Chairman