



Chairman: Peter Parkinson
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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)

and

DOWNER EDI ENGINEERING POWER PTY LTD
(DOWNER)

ORBOST GAS PLANT UPGRADE

RE: LIVING AWAY FROM HOME ALLOWANCE IN NOTICE PAY

28 NOVEMBER 2019

024-2019

STATEMENT

[1] The CFMEU notified a dispute on 20 November 2019 alleging incorrect calculation of compensation in lieu of notice of termination (Notice Pay) for employees who are employed under the *Downer EDI Engineering Power Pty Ltd/AMWU/AWU/CFMEU Metal Engineering On-Site Construction Agreement 2017-2020*.

[2] The Panel scheduled a Conference of the parties on 28 November 2019.

[3] The parties acknowledged that the Panel has jurisdiction to deal with the dispute.

[4] The CFMEU had set out its position in the letter accompanying its notification to which Downer had verbally responded by rejecting the CFMEU's claim.

[5] Following discussion before the Panel Downer agreed to reflect upon the observations made and the parties agreed to confer further in an endeavour to resolve the dispute. It was agreed that a further Conference and Hearing, if necessary, would be scheduled for Thursday 5 December 2019 at 8.00am at the Panel's premises. Should the matter proceed to Hearing, the parties will be required to present oral submissions and provide any relevant evidence to support their contentions at the Hearing.

[6] The CFMEU is to advise the Panel prior to the above scheduled Conference if a resolution is reached.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member



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ORBOST GAS PLANT UPGRADE

RE: LIVING AWAY FROM HOME ALLOWANCE IN NOTICE PAY

6 DECEMBER 2019

024-2019

STATEMENT NO. 2

[1] The CFMEU notified a dispute on 20 November 2019 alleging incorrect calculation of compensation in lieu of notice of termination (Notice Pay) for employees who are employed under the *Downer EDI Engineering Power Pty Ltd/AMWU/AWU/CFMEU Metal Engineering On-Site Construction Agreement 2017-2020*.

[2] The Panel convened a Conference of the parties on 28 November 2019 and issued a Statement which is to be read in conjunction with this Statement.

[3] The Panel convened a further Conference of the parties on 5 December 2019.

[4] The matter was unable to be resolved. The Panel directed that final written submissions summarising the position by each of the parties and any further evidence upon which they rely, would be filed **no later than 5.00pm on 12 December 2019**. In the event any new matters are raised by the submissions, the parties will be given an opportunity to reply, otherwise the Panel will proceed to issue its Decision in the matter.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member



Tony Cordier
Panel Member