



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

**AND**

**BOOM LOGISTICS (VIC) PTY LTD (BOOM LOGISTICS)**

**RE: ALLEGED NON COMPLIANCE WITH  
ENTERPRISE AGREEMENT - REDUNDANCY- MORWELL DEPOT**

**1 JUNE 2021**

**003-2021**

**STATEMENT**

[1] The CFMEU notified a dispute on 25 May 2021 alleging the Company's failure to comply with its obligations under the Enterprise Agreement concerning the Company's decision to make an employee redundant.

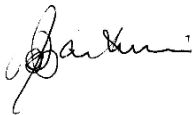
[2] The Panel convened a Conference of the parties on 1 June 2021.

[3] The relevant applicable Enterprise Agreements is the *Boom Logistics (Vic) Pty Ltd and the CMEU Mobile Crane Hiring Industry Enterprise Agreement 2016-2019* (the Agreement).

[4] The parties agreed that the matter was properly before the Panel in accordance with the Agreement. Boom confirmed that the status quo in accordance with the Dispute Resolution Procedure was being observed and the employee was still employed pending the outcome of the Procedure.

[5] Following discussions in Conference it was agreed that Boom would give further consideration to some alternative measures raised. Boom will seek further advice and continue dialogue with the CFMEU with a view to settling the matter.

[6] A further Conference will be held, if necessary, on Wednesday 9 June 2021 at 2.30pm via Zoom conference. The CFMEU will provide an update as to the progress of the matter by Monday 7 June 2021.



**Peter Parkinson**  
**Chairman**



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



**Esther Gruszka**  
**Panel Member**



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

**AND**

**BOOM LOGISTICS (VIC) PTY LTD (BOOM LOGISTICS)**

**RE: ALLEGED NON COMPLIANCE WITH**  
**ENTERPRISE AGREEMENT- REDUNDANCY- MORWELL DEPOT**

**17 JUNE 2021**

**003-2021**

**STATEMENT No. 2**

[1] The CFMEU notified a dispute on 25 May 2021 alleging that Boom Logistics had failed to comply with its obligations under the Enterprise Agreement concerning its decision to make an employee redundant.

[2] The Panel convened a Conference of the parties on 1 June 2021 and issued a Statement which is to be read in conjunction with this Statement.

[3] The relevant applicable Enterprise Agreement is the *Boom Logistics (Vic) Pty Ltd and the CFMEU Mobile Crane Hiring Industry Enterprise Agreement 2016-2019* (the Agreement).

[4] A further Conference was held 9 June 2021 at which the parties confirmed that a settlement of the matter had not been reached. Accordingly the Panel is requested to make a Decision in relation to the dispute.

[5] The CFMEU alleges that there has been a breach of the Agreement by Boom Logistics in two respects:

1. that is has failed to properly apply clause 22.3 of the Agreement by taking into account matters not contemplated by the clause when selecting the employee for retrenchment; and
2. that is has failed to comply with its obligations under clause 8.1(c) concerning the provision of information, including the criteria relied upon to select employees for retrenchment.

[6] Given the nature of the allegations it will be necessary for the Panel to conduct a Hearing in order to receive witness evidence and formal submissions by the parties.

[7] The Panel has already been provided with an outline of the CFMEU's position in relation to these matters by way of the material provided with its application and there has been a brief reply by Boom Logistics dated 31 May 2021.

[8] For the purpose of conducting the Hearing the parties are directed as follows:

1. To provide any further written submissions outlining any additional material upon which they rely with respect to the allegations; and
2. To inform the Panel in writing of the names and position title of relevant witnesses upon whom they will rely to provide oral evidence to the Panel in relation to the matters that support their submissions concerning the allegations; and
3. To provide the above to the Panel no later than 5.00pm on Friday 25 June 2021; and

4. To attend together with any witnesses a Hearing to be conducted on **Wednesday 30 June 2021 at 9.30am** at the Panel's premises. Additional Hearing dates will be scheduled at that time if the Panel requires it.



**Peter Parkinson**  
**Chairman**



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



**Esther Gruszka**  
**Panel Member**