



Chairman: Peter Parkinson
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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION

and

KANE CONSTRUCTIONS PTY LTD

ANGLISS HOSPITAL, ALBERT STREET UPPER FERNTREE GULLY
FERNTREE GULLY VIC

RE: CLAUSE 35 - INCLEMENT WEATHER, SPECIFICALLY THE APPLICATION OF 35.9.10
INCLUDING BUT NOT LIMITED TO THE APPROPRIATE NEAREST AUTOMATIC
MELBOURNE BUREAU OF METEOROLOGY AT THE ANGLISS HOSPITAL SITE

10 MARCH 2017

004-2017

STATEMENT

- [1] The CFMEU notified a dispute on 2 March 2017 regarding an issue arising under *Clause 35 Inclement Weather* of the Enterprise Agreement in relation to the Angliss Hospital Project being undertaken by Kane Constructions (Employer) at Albert Street, Upper Ferntree Gully.
- [2] The Panel conducted a Conference on 6 March 2017 arising from which a Statement was issued by the Panel. This Statement should be read in conjunction with the earlier Statement.
- [3] Having been unable to resolve the matter between themselves the parties agreed for the matter to be referred back to the Panel further Conference.
- [4] A further Conference before the Panel was held on 10 March 2017.
- [5] The submissions by the parties were at odds as to the facts concerning alleged understandings that had previously been reached in relation to the appropriate Bureau of Meteorology Station to be utilised for the purposes of Clause 35.9.10 of the Enterprise Agreement. The CFMEU submits it should be the Scoresby Station whereas the employer submits it should be Ferny Creek Station.

[5] It was agreed by the parties that the matter would be determined by the Panel by way of Hearing. The parties are required to bring any relevant evidence and/or witnesses upon which they seek to rely in relation to the matter.

[6] The matter is set down for Hearing on Thursday 6 April 2017 at 10.00 am.



Peter Parkinson
Chairman



Daniel Hodges
Panel Member