



**VICTORIAN BUILDING INDUSTRY DISPUTES PANEL**

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**PTEU– PLUMBING TRADES EMPLOYEE UNION**

**MED ENG. PTY LTD AND  
BURNS AIRCONDITIONING & PLUMBING PTY LTD  
BENDIGO BASE HOSPITAL**

**RE: ALLEGED UNDER PAYMENTS OF REDUNDANCY ENTITLEMENTS INCOME  
PROTECTION, WORKPLACE INSURANCE & ACCIDENT MAKE UP PAY**

**3 FEBRUARY, 2017**

**026-2016**

**STATEMENT**

[1] Further to the Statements issued by the Panel in this matter on 8 and 19 December 2016, a further Conference of the parties was held with the Panel on 2 February 2017.

[2] The Employer had made written submissions dated 22 December 2016 and the PTEU member the subject of the dispute, had also effected a number of communications with the Panel over the course of January 2017.

[3] The Employer was unable to appear at the Conference on 2 February 2017. The Conference was attended by the PTEU and MPA.

[4] The PTEU set out its response to the Employer submission dated 22 December 2016 which was to reject the conclusions reached.

[5] Without dealing with each aspect of the submission, the Panel notes that in relation to the first two Conferences the Employer was happy for the Panel to assist the parties, irrespective of any jurisdictional argument, as was raised in the written submission.

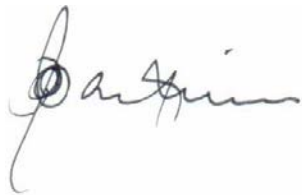
[6] In any event, given the nature of the submission and in particular the doubt that the PTEU member himself has cast over whether he wished the matter to be dealt with by the Panel or indeed the union, the Panel concludes that it is in no position to proceed to determine anything further at this stage, even if it had the power to do so, which has now been questioned by the Employer.

[7] The Panel notes that the matter affecting severance contributions has been resolved in the terms agreed before the Panel.

[8] As to the other matter concerning Income Protection insurance, it is noted from the AMCA statement of 30 January 2017 that the Employer appears still open to a negotiated settlement, with provisos.

[9] Accordingly the Panel has determined that the most appropriate course is for the PTEU, should it wish to do so, to seek formal clear written instructions from its member as to whether or not he wishes the matter to proceed, and by what course.

[10] The Panel will close its file on this matter, but is prepared to assist with further conciliation should all parties agree to utilise the services of the Panel, and confirm their preparedness to do so.

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*Peter Parkinson*  
*Chairman*

A handwritten signature in black ink, appearing to read 'Hodges', written in a cursive style.

*Daniel Hodges*  
*Panel Member*