



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

**and**

**DELLA PRECAST (AUSTRALIA) PTY LTD (DELLA AUST) AND DELLA  
PRECAST (VIC) PTY LTD (DELLA VIC)**

**RE: ALLEGED VARIOUS BREACHES OF THE ENTERPRISE AGREEMENT**

**3 DECEMBER 2019**

**026-2019**

**STATEMENT**

[1] The CFMEU notified a dispute on 28 November 2019 alleging various breaches of the Enterprise Agreement pursuant to the “*Della Precast (Vic) Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*” (the Agreement).

[2] The Panel conducted a Conference of the parties on 3 December 2019. Della Aust and Della Vic participated by telephone.

[3] It was established in Conference that there had recently been a transfer of business from Della Aust to Della Vic and that both companies held similar Enterprise Agreements with identical entitlements for employees. There was no dispute that these Enterprise Agreements have application to this matter.

[4] From the information provided it is clear that there has been an intention for sometime to transfer the business of Della Aust to Della Vic. There have been circumstances that have prevented this from happening until recently and some confusion has arisen as to the treatment of employee entitlements in the process. It appears clear there has been some outstanding payments due on behalf of employees to third parties (Coinvest, Incolink and CBus) and some delays in payment of wages. There are some 19 CFMEU members directly affected.

[5] Della Vic undertook to provide a detailed breakdown of the status of all entitlements, including appropriate evidence of payments that have been made, together with undertakings as to when any outstanding payments would be made, and details of the status of wages for all employees affected. Della Vic also undertook to provide examples of the relevant correspondence provided to employees as to their transfer of employment from Della Aust to Della Vic.

[6] A question also remained unresolved in relation to alleged “stand down” of employees from Monday 25 November to Monday 2 December 2019 inclusive. The CFMEU undertook to seek further instructions in relation to the events affecting this period.

[7] The information set out in [5] is to be provided in writing by Della Vic to the Panel and the CFMEU no later than 5.00pm Tuesday 3 December 2019. The CFMEU is to advise the Panel as to the status of the dispute no later than 5.00pm on Thursday 5 December 2019. In the event that any matters remain unresolved the Panel will set the matter down for further Conference as soon as possible.



**Peter Parkinson**  
**Chairman**



**Daniel Hodges**  
**Panel Member**



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

**and**

**DELLA PRECAST (VIC) PTY LTD**

**RE: VARIOUS BREACHES OF THE ENTERPRISE AGREEMENT**

**6 DECEMBER 2019**

**026-2019**

**STATEMENT NO. 2**

[1] The CFMEU notified a dispute on 28 November 2019 alleging various breaches of the Enterprise Agreement pursuant to the “*Della Precast (Vic) Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*” (the Agreement).

[2] The Panel held a Conference of the parties and issued a Statement on 3 December 2019. That Statement is to be read in conjunction with this Statement.

[3] Arising from a failure of Della Vic to comply with the undertakings set out in paragraph [5] of the Panel’s Statement of 3 December 2019, the Panel convened a further Conference on 6

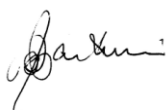
December 2019. Prior to the Conference Della Vic provided only some of the material relevant to the undertakings.

[4] During the Conference it became clear that there has been many significant shortcomings in the arrangements made to enable a sale of the business from Della Aust to Della Vic which has led to numerous breaches, confusion and delays. The Panel accepts that Della Vic has endeavoured to take steps to rectify these shortcomings; but there is much yet to be done in terms of meeting the outstanding obligations to the workforce and to Incolink, Coinvest and CBus in terms of payments and accrued entitlements.

[5] Della Vic has committed to meet these obligations, in particular an immediate payment to be made on 7 December 2019 to Incolink, and also understands the immediate need to ensure effective communication with the workforce which has been sadly lacking to date. Not all of this can be attributed to Della Vic, given the position adopted by Della Aust and a range of other extenuating circumstances. The Panel recognises that Della Vic is genuinely endeavouring to resolve this matter to enable a future for it and its workforce.

[6] The CFMEU will write to Della Vic setting out its understanding of the outstanding obligations and proposing a way forward on some of these related matters. The Panel urges the parties to confer in relation to that correspondence.

[7] A further Conference before the Panel will be held for report back by the parties on **Thursday 12 December 2019 at 12 noon at the Panel's premises.**



**Peter Parkinson**  
**Chairman**

**Daniel Hodges**  
**Panel Member**

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



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

**and**

**DELLA PRECAST (VIC) PTY LTD**  
**(DELLA VIC)**

**RE: VARIOUS BREACHES OF THE ENTERPRISE AGREEMENT**

**12 DECEMBER 2019**

**026-2019**

**STATEMENT NO. 3**

[1] The CFMEU notified a dispute on 28 November 2019 alleging various breaches of the Enterprise Agreement pursuant to the “*Della Precast (Vic) Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*” (the Agreement).

[2] The Panel issued a Statements on 3 December and the 6 December 2019. Those Statements are to be read in conjunction with this Statement.

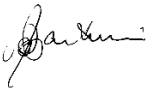
[3] The Panel convened a further Conference on 12 December 2019.

[4] The CFMEU had set out relevant details of its understanding of the obligations due to the relevant employees in its letter dated 6 December 2019.

[5] Della Vic, represented by Mr. B McMurray, confirmed the arrangements that had been and were being made in relation to all matters raised.

[6] The Panel acknowledges the efforts being made by Mr McMurray to satisfactorily resolve all matters and it anticipates and expects that these will be resolved in accordance with the time lines he has outlined and undertaken before the Panel. The Panel acknowledges the assistance being provided by the CFMEU to enable this outcome.

[7] Accordingly the Panel adjourns the matter until further advice from the CFMEU as to the resolution of all matters or otherwise. The CFMEU is to advise the Panel as to the status of the dispute no later than 5.00 pm Thursday 19 December 2019.



Peter Parkinson  
Chairman



Daniel Hodges  
Panel Member



Tony Cordier  
Panel Member