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

**and**

**ADCON RESOURCES VIC PTY LTD**

**RE: LIVING AWAY FROM HOME ALLOWANCE**  
**AND PAYMENT FOR LATE PROVISION OF SEPARATION CERTIFICATE**

**15 MAY 2023**

**002-2023**

**STATEMENT NO. 3**

[1] The CFMEU notified a dispute on 23 January 2023 concerning Living Away from Home Allowance and Payment for late provision of separation certificate in relation to its member Mr. J Logan.

[2] The Panel conducted Conferences with the parties on 3 February 2023 and 29 March 2023 and issued Statements and conducted a Hearing on 11 May 2023.

[3] In relation to the alleged claims there is no dispute that the applicable Enterprise Agreements have been as follows:

- *Adcon Resources Vic Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016- 2018*
- *Adcon Resources Vic Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2019-2020*
- *Adcon Resources Vic Pty Ltd and the CFMEU (Victorian Construction and General Division) Subcontractors Formwork Enterprise Agreement 2020-2023.*

[4] The parties filed written submissions in accordance with the Directions contained in Statement No.2.

[5] At the Hearing the parties confirmed that the dispute concerning the Payment for late provision of separation certificate had been resolved.

[6] With regard to Living Away from Home Allowance, the dispute over the application of the relevant provisions of the Agreement concerns the circumstances attaching to two periods of employment of Mr. Logan by Adcon. The first period of employment is from July 2019 to April 2020 and the second from May 2020 to November 2022.

[7] At the Hearing the Witness Statements of Mr. Logan forming part of the CFMEU submissions, were affirmed by him together with any other evidence provided in the proceedings, and the CFMEU undertook to have the witness statements filed as formal Statutory Declarations for the record as soon as possible. There was no objection to this.

[8] The Panel and Adcon asked a number of questions of Mr. Logan to which he answered.

[9] The Panel made a number of preliminary observations as to the application of the relevant provisions of the Enterprise Agreements in this matter, arising from which it was agreed that the parties would entertain further direct dialogue in an endeavour to

settle the dispute. In absence of settlement, the parties are directed to file written submissions in relation to the observations raised by the Chair and Panel at today's Hearing and any other relevant submissions **no later than 5.00pm on Thursday 25 May 2023**. The Panel may then proceed to determine the matter or seek further submissions in reply if considered necessary and/or conduct a further Hearing.



**Peter Parkinson**  
**Chairman**



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



**Adrian Ziccone**  
**Panel Member**