



Chairman: Peter Parkinson
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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

29 MARCH 2023

002-2023

STATEMENT NO. 2

[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 a Conference with the parties on 3 February 2023 and issued a Statement.

[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] Further dialogue occurred between the parties as recommended by the Panel without a settlement being reached, as a result of which a further Conference was conducted with the parties on 29 March 2023.

[5] The Panel endeavoured to progress the matter by conciliation during the Conference by agreement of the parties. However, it became apparent that further relevant evidence was necessary in order for the matter to progress in so far as the dispute regarding Living Away From Home Allowance is concerned. The Panel notes that the parties had all but resolved that part of the dispute concerning the Payment for late provision of separation certificate and there was no further conflict over the obligations arising from the applicable Agreement in this regard. It is expected that the latter will be settled in any final settlement.

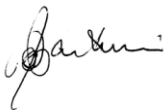
[6] With regard to Living Away from Home Allowance, the dispute over the application of the relevant provisions of the Agreement concerns the circumstances attaching to two periods of employment of Mr Logan by Adcon. The first period of employment is from July 2019 to April 2020 and the second from May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

[7] The Panel has determined that the most appropriate way for the matter to proceed is as follows, to which the parties concurred, and the Panel so directs:

1. That the parties deliver to the Panel and copied to each other, their written submissions together with relevant witness statements and any other evidence in

relation to both periods of employment as to the entitlement or otherwise of Mr Logan to Living Away From Home Allowance under the terms of the applicable Agreement, to be received no later than **5.00pm on Wednesday 12 April 2023.**

2. That the parties respond to any material referenced in 1. no **later than 5.00pm on Friday 28 April 2023.**
3. That the Panel will then proceed to determine the Dispute based upon the submissions and evidence received in items 1. and 2. unless the parties have resolved the matters by further dialogue which is encouraged, or if the Panel considers that a further Hearing is necessary prior to any final determination, in which case further Directions will be issued accordingly.



Peter Parkinson
Chairman



Tony Cordier
Panel Member



Adrian Ziccone
Panel Member