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CONSTRUCTION, FORESTRY, MINING AND ENERGY UNION (CFMEU)

and

AUSSIE LIFT AND SHIFT
NATIONAL CONCRETE CUTTING PTY LTD
ALL CITY SAWING & DRILLING (VIC) PTY LTD
GRAVITY SCAFFOLD SOLUTIONS PTY LTD
HIGHRISE BUILDING SERVICES PTY LTD
REMEDIAL CONTRACTORS AUSTRALIA
EXPRESS INTERIORS
TIAMA CONSTRUCTIONS
CASELLO PTY LTD
COMPLEX FACADE INSTALL PTY LTD

RE: DEMOLITION WORKS
MULTIPLEX FIT OUT – 750 COLLINS STREET DOCKLANDS

21 MAY 2020

006-2020

STATEMENT

[1] The CFMEU notified a dispute on 1 May 2020 regarding Demolition works on the Multiplex project at 750 Collins Street, Docklands.

[2] The dispute concerns Sub Clause 26.16 *Demolition Work* of the applicable Enterprise Agreements as listed below:

- *Aussie Lift & Shift (MLB) Pty Ltd and the CFMEU (Victorian Construction and General Division) Master Climbing Access Equipment Enterprise Agreement 2016-2018*
- *National Concrete Cutting Pty Ltd and the CFMEU (Victorian Construction and General Division) Concrete Sawing and Drilling Enterprise Agreement 2016-2018*
- *All City Sawing & Drilling (VIC) Pty Ltd (Victorian Construction and General Division) Concrete Sawing and Drilling Enterprise Agreement 2017-2019*
- *Gravity Scaffold Solutions Pty Ltd and the CFMEU (Victorian Construction and General Division) Contract Scaffold Enterprise Agreement 2019-2020*
- *The Trustee for Highrise Building Services Trust T/As Highrise Building Services Pty Ltd and the CFMEU (Victorian Construction and General Division) Contract Scaffold Enterprise Agreement 2019-2020*
- *Remedial Contractors Australia Pty Ltd T/As REMCON CONSTRUCTIONS and the CMFEU (Victorian Construction and General Division) Enterprise Agreement 2016 - 2018*
- *Express Interiors PTY LTD and the CFMEU (Victorian Construction and General Division) Plastering Enterprise Agreement 2019 - 2020*
- *MFP Enterprises Vic Pty Ltd T/As Tiama Constructions and the CFMEU (Building and Construction General Division) Enterprise Agreement 2016-2018*
- *Casello Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016 -2018*
- *Complex Facade Install Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2019 - 2020*
- *Multiplex Australasia Pty Ltd and the CFMEU (Victoria Construction and General Division) Enterprise Agreement 2016-2018*

The subclauses in each Agreement are similar to each other.

[2] The Panel scheduled a Conference of the parties on 21 May 2020 by Zoom Video Conference. The principal, Mutiplex, whilst not a direct party to the dispute, attended at the request of the CFMEU.

[3] The dispute arises over the application of subclause (a) in each of the Agreements which provides as follows:

“Where Employees covered by this Agreement are employed in connection with and on work with Employees of demolition contractors on major demolition works they shall be paid in lieu of the relevant Site Allowance. This allowance shall be increased during the life of this Agreement as follows:

- *From 1 July 2016 \$6.40*
- *From 1 March 2017 \$6.70*
- *From 1 March 2018 \$7.05*

[Panel’s emphasis]

[4] The dispute is limited to what constitutes “*major*” for the purposes of the subclause.

[5] Multiplex outlined the scope of works and the works programme which included what it described as principally “*soft strip out*” and “*hard demolition*”, the latter for which it says amounts to 0.037% of the total works. The works have been underway since approximately February 2020 and are continuing.

[6] The CFMEU submits that the activities conducted by the employees of subcontractors was carried out adjacent to the works undertaken by the demolition contractor which is says is sufficient for the subclause to have application, given the nature of those works.

[7] In order to progress the matter it was agreed that Multiplex will provide a written summary of its explanation as to the hard demolition works in particular and its location relationship with the work undertaken by employees of subcontractors. Upon receipt, the CFMEU will summarise any matters concerning the location relationship that it disagrees with.

[8] The CFMEU and Multiplex agreed to conduct further research as to the intention of the parties in relation to the use of the descriptor “*major*” in the subclause and provide same to the Panel as soon as possible.

[9] At the request of the Panel it was agreed that Multiplex would facilitate an inspection by the Panel members on site on Tuesday 26 May 2020 at 2.30pm together with the representatives of the CFMEU. Attendance by subcontractor employers is not required.

[10] Arising from the Inspection and receipt of the information referenced in paragraphs [7] and [8], the Panel will endeavour to resolve the dispute by conciliation. In the absence of a resolution, the matter will be listed for formal Hearing, and Directions will be issued as to any submissions required from the parties.



Peter Parkinson
Chairman



Tony Cordier
Panel Member



Esther Gruszka
Alternate Panel Member