



VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRPERSON: BOB MERRIMAN

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HOOKER COCKRAM

INVESTA PROJECT

GATE 1 EASTERN DRIVE - BURNLEY

-and-

CFMEU

RE: CLAIM FOR MAN/MATERIAL HOIST

TUESDAY, 7 OCTOBER 2008

094-2008

DECISION

This hearing related to a Union application for a Review of Decision No 083-2008. Additional correspondence seeking clarification as to the grounds was also received from the Employer's Representative - MBAV.


The Panel has considered the submissions and further material presented by the Union and the counter submission presented by the MBAV on behalf of the Contractor and has concluded that the material presented does not warrant a re-opening of the matter and therefore the original decision stands.

It is noted that the Contractor (subject to this decision) has plans to install a materials hoist and it goes without saying that steps be taken in this regard as an absolute priority.

A matter of broader concern to the Panel is whether the original concept of a "Plant Room" has kept pace, having regard to technological advances, which preclude the installation of a "traditional" type plant room in many cases.

The Panel's extensive knowledge of the application of this clause at all times requires a room or similar structure to have a roof and walls, however what appears now to occur is that significant equipment can be placed on a roof without weather protection, whereas previously such equipment required a "room" type structure for weather protection and/or function. This developing practice now provides for significant work to take place above the 6th level.

The Panel can only adopt what has been the traditional situation and would strongly recommend to the parties and also the industry parties that the definition of Appendix D - Passengers and Materials Lift requires urgent review, taking into account the original intention of the provision.


BOB MERRIMAN
CHAIRPERSON


PETER KNIGHT
PANEL MEMBER


BILL DAVIS
PANEL MEMBER

DATED THIS

7

DAY OF

October

2008