



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

**and**

**2CONSTRUCT PTY LTD (2Construct)**  
**NORRIS PLANT HIRE (GEELONG) PTY LTD (Norris)**  
**SCAFFOLD LOGISTIC PTY LTD (Scaffold Logistics)**

**NORTH EAST LINK PROJECT**  
**EARLY WORKS**

**ALLEGED INCORRECT APPLICATION OF SITE ALLOWANCE CLAUSE**

**24 MARCH 2021**

**002-2021**

**STATEMENT**

[1] The CFMEU notified a dispute concerning the Site Allowance paid by the above named Employers in relation to works on the North East Link (the Project).

[2] The Panel convened a Conference of the parties via Zoom teleconference on 24 March 2021. Each of the parties were represented, except for Scaffold Logistics. The Major Transport Infrastructure Authority (MTIA) and CPB Contractors (CPB) also attended at the invitation of the Panel.

[3] The applicable Enterprise Agreements are as follows:

- *2CONSTRUCT PTY LTD and the CFMEU (Victorian Construction and General Division Enterprise Agreement 2020-2023 and its precursor Enterprise Agreement.*

- *Norris Plant Hire (Geelong) Pty Ltd and the CFMEU (Victorian Construction and General Division) Enterprise Agreement 2016-2018*
- *SCAFFOLD LOGISTICS COMMERCIAL PTY LTD and the CFMEU (Victorian Construction and General Division) Subcontractors Contract Scaffolding Enterprise Agreement 2020-2023* and its precursor Enterprise Agreement.

[4] The parties confirmed that the Dispute was in relation to the Early Works presently being undertaken as part of the North East Link Project, in particular, whether or not the Early Works component should be treated as part of the overall Project for the purposes of Site Allowance payment pursuant to the applicable Enterprise Agreements.

[5] It was acknowledged that for both Norris and 2Construct that their contracted works for Early Works commenced in about September 2020 and it was understood Scaffold Logistics commenced sometime in early 2021.

[6] Each of the Employers have been paying various site allowances since commencement of the works, currently in the order of \$4.50 per hour, whereas the CFMEU submits that the amount should be \$9.95 per hour from the commencement of the relevant works.

[7] The parties acknowledged that the Dispute was properly before the Panel and confirmed that they sought that the Panel proceed to make a Determination in relation to the matters in Dispute. The Chairman referred the parties to earlier Determinations of the Panel that set out the relevant principles that are likely to be relevant, namely Matters 003-2016, 017-2017 and 008-2018.

[8] Accordingly the Panel directs as follows:


A. The parties are required to file written submissions with the Panel, copied to all other parties and to the MTIA and CPB, no later than 5.00pm on Wednesday 21 April 2020, in relation to the following matters:

1. *The Scope of the Project, specifically as to whether or not the Early Works should be included in the North East Link Project for the purposes of determining the site allowance;*
2. *The Value of the Project for the purposes of determining a Site Allowance pursuant to the applicable Enterprise Agreements if this is considered to be relevant;*
3. *The Quantum of the Site Allowance;*
4. *The Operative date of any Site Allowance;*
5. *Any other matter of relevance.*

B. Both CPB Contractors and MTIA are invited to make submissions in relation to any of the above matters should they wish, and copied to the parties.

C. In relation to the written submissions that may be made pursuant to A and B above, the Panel notes the comprehensive amount of information and data that is available on this subject online, and accordingly does not require those submitting to traverse that material in detail in their submissions.

D. The Panel will conduct a Hearing on Thursday 29 April 2021 at 10.00am to be held at the Panel's premises, unless otherwise advised, in order for the parties to make any final submissions. Thereafter the Panel will determine the matter.



**Peter Parkinson**  
**Chairman**



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



**Esther Gruszka**  
**Panel Member**



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**EARLY WORKS**

**ALLEGED INCORRECT APPLICATION OF SITE ALLOWANCE CLAUSE**

**6 MAY 2021**

**002-2021**

**STATEMENT NO. 2**

[1] The CFMEU notified a dispute on 19 March 2021 concerning the Site Allowance paid by the above named employers in relation to works on the North East Link Project (the Project).

[2] The Panel convened a Conference of the parties via Zoom teleconference and issued a Statement on 24 March 2021, followed by a Hearing conducted on 29 April 2021.

[3] Further to the written submissions received by the Panel and the oral submissions made at the Hearing, the Panel has determined that it will seek to inform itself further by conducting inspections of relevant sites and engaging with the City of Banyule in relation to relevant matters.

[4] Inspections for this purpose are scheduled to be conducted by the Panel members on 11 May 2021. The parties are not required to attend the inspection.

[5] The Panel also indicated at the Hearing that it was open to any party to make any further written submissions arising from the Hearing if they so desired by 5.00pm Friday 7 May 2021.

[6] Following the inspections, and any further submissions, the Panel will advise the parties as to whether or not any further Hearing and or submissions are necessary, before the Panel proceeds to deliberate and finalise a Decision in the matter.



**Peter Parkinson**  
**Chair**



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



**Esther Gruszka**  
**Panel Member**