

# CHAIRMAN

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: BOB MERRIMAN

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*SCHIAVELLO GROUP PTY LTD*

*HARRISON PLACE PROJECT  
(237 RYRIE STREET, GEELONG)*

*CEPU*

*CFMEU*

*RE: CLAIM FOR SITE ALLOWANCE*

TUESDAY 27 MAY 2008

050-2008

## DECISION

This matter relates to a claim by the Union for the payment of the appropriate site allowance (\$2.10 per hour) for fit out works being undertaken in this newly constructed four storey building.

The contractor is engaged in fit out works (to the value of \$1.3 million) on levels three and four for the Department of Human Services (Child Support Agency).

I was advised that it had been anticipated that the principal contractor would have completed all works and vacated prior to fit out commencing, however actual construction works were still under way including other fit out works being carried out by the principal contractor on levels one and two.

The Union advised that all other workers on the project were receiving a site allowance and were sharing a common car park and lifts and these workers should also be in receipt of the site allowance.

The Union contended that the payment of a site allowance was consistent with industry guidelines and that the works being undertaken constituted part of the overall \$13 million plus project.

Management stated that the works had a separate client, separate architect, the principal contractor had no direct control or involvement in the fit out works, workers had their own amenities, inductions and Occupational Health & Safety representation and clearly on this basis the project works should be regarded as an individual project and dealt with accordingly.

In considering this matter I refer to Bovis Lend Lease Decision (PR75618) when AIRC Deputy President Ives on the issue of Site Allowance stated:-

*"[30] Pursuant to the definition a project is an enterprise carefully planned to achieve a particular result, that has clearly established entity or entities that exercise control over its development that has a scope sufficiently definable at any given point in time to enable its proper definition and costing for the purpose of determining the appropriate site allowance".*

It is my view that all the current works being undertaken on the project do in fact lead to the conclusion that they form part of a whole and therefore the works being undertaken on Levels three and four should attract the payment of \$ 2.10 per hour site allowance to be effective from the commencement of such works.

  
Bob Merriman  
Chairman

Dated this

27 day of

May

2008