

# **VBIDP**

## **VICTORIAN BUILDING INDUSTRY DISPUTES PANEL**

**CHAIRMAN: BOB MERRIMAN**  
CONSTRUCTION INDUSTRY HOUSE  
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### **DECISION**

042-2006

**BUILDRITE**  
**NEPEAN APARTMENTS**  
**292 NEPEAN HIGHWAY**

### **ALL UNIONS**

#### **ALLEGED DISPUTE REGARDING STATUS OF SITE**

This matter was first dealt with by way of a visit to site by Panel members on March 1<sup>st</sup> 2006 and subsequently set down for hearing on the 9<sup>th</sup> March 2006, then further deferred to the 23<sup>rd</sup> March due to the unavailability of senior management.

The project in question has a value of \$7.2 million, consists of 49 apartments with the provision of underground parking for 60 vehicles.

The Unions claim that the project in question is clearly covered by the current Certified Agreement 2002 – 2005 and the intent of the scope and application clause contained within. Management on the other hand submitted that the project had been deemed residential by the Building Commission and tabled an item of correspondence they claim supports there argument.

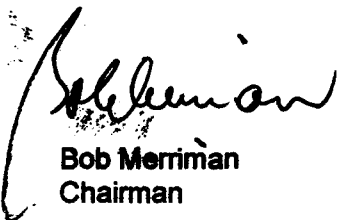
They added that if the Panel were to find in the Unions favour it would impose a substantial increase to the project value.

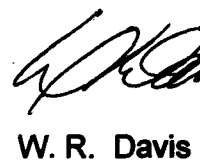
The Unions argued that failure to observe the terms and conditions of the current Certified Agreement in respect to the matter in question could have serious consequences for other contractors engaged on similar works.

The Panel having considered all matters put before it determines as follows-

- The company (Buildrite) does have a current Certified Agreement 2002-2005 which contains a scope clause to the effect that "...Engineering Construction Projects and the Cottage/Housing Industry shall be excluded..."
- That the correspondence submitted by management in respect to warranty insurance and building practitioners licensing has no bearing in this matter.
- Notes that the project in question does not conform to the description of Cottage/Housing as embraced by the past and present Certified Agreements.

The Panel therefore find that the Unions claim is upheld on this occasion.

  
Bob Merriman  
Chairman

  
W. R. Davis

  
P. W. Knight

Dated this 28 day of March 2006