

VBIDP

VICTORIAN BUILDING INDUSTRY DISPUTES PANEL

CHAIRMAN: BOB MERRIMAN
CONSTRUCTION INDUSTRY HOUSE
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DECISION

063-2006

**BRADY CONSTRUCTION PTY LTD
Q APARTMENTS
ELIZABETH ST MELBOURNE**

CFMEU/FEDFA

RE LISTING RELATING TO DECISION 044-2006

FRIDAY 5TH MAY 2006

This matter was first dealt with by way of a Hearing on Wednesday 23rd March (Refer Decision 44/2006).

The matter has been notified for further consideration by the Union who claims the employer has not complied with the previous Decision which states;

"That principal management is to have further discussion with a Union official."

Management refuted the Unions allegation and reaffirmed its submission put at the first Hearing. It was noted that during the Unions submission a number of options may be available which could resolve the issue.

The Chairman suggested the Parties give consideration to these options and adjourned the Hearing into conference to this end.

At the conclusion of the conference the Parties advised the Panel that the matter remained unresolved and requested the Panel determine to the matter.

Having considered all matters put before it the Panel determines and acknowledges.

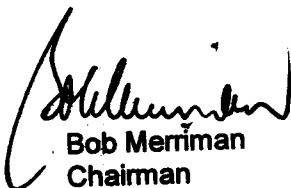
That the long held industry practise that employees of failed contractors being "taken over" and continuing to work on a project, however on this occasion the principal contractor walked away from the project.

This fact along with the lengthy "shut down" of 12 months leads the Panel to the conclusion that it would not be fair or equitable for the new principal contractor to be obliged to pick up previously engaged employees.

Turning to the second point the new principal contractor has advised that he is currently maintaining a specific group of eight employees who he intends to deploy to his project and one other.

This process forms the basis of an overall job plan for the long term.

The Panel is satisfied with this approach and reaffirms the principal contractors comments that it has no objection to the future employment of the individual in some appropriate capacity should a position become available.


Bob Merriman
Chairman


W. R. Davis


P. W. Knight

Dated this Friday day of 5th 2006