

Master Builders Australia

Supplementary Submission to the Senate
Standing Education and Employment References
Committee

*The Building and Construction Industry (Improving
Productivity) Bill 2013 and the Building and
Construction Industry (Consequential and
Transitional Provisions) Bill 2013*

24 February 2014



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1 Introduction

- 1.1 Master Builders Australia is the nation's peak building and construction industry association which was federated on a national basis in 1890. Master Builders Australia's members are the Master Builder state and territory Associations. Over 124 years the movement has grown to 32,000 businesses nationwide, including the top 100 construction companies. Master Builders is the only industry association that represents all three sectors, residential, commercial and engineering construction.
- 1.2 The building and construction industry is a major driver of the Australian economy and makes a major contribution to the generation of wealth and the welfare of the community, particularly through the provision of shelter. At the same time, the wellbeing of the building and construction industry is closely linked to the general state of the domestic economy.

2 Purpose of Submission

- 2.1 On 6 February 2014 Master Builders appeared before the Senate Education and Employment References Committee in respect of its reference about the Government's approach to re-establishing the Australian Building and Construction Commission (ABCC). That oral evidence supplemented our written submission dated 17 January 2014. During the course of the hearing, Master Builders was asked to provide further information to Senators. This submission provides answers to questions on notice. By email dated 12 February 2014, we received material from the Committee Secretariat isolating five matters referred to by way of label Question 1 to Question 5. These are referred to in this submission.
- 2.2 In addition, Master Builders was accused by Senator Cameron of "trying to manipulate statistics to try to get an outcome" (proof Hansard page 13, fourth paragraph from the top). This submission also expands on the notion explained to the Senator that the statistics Master Builders presented are directly from the data used to measure the National OHS Strategy 2002-2012 (National Strategy).
- 2.3 However, Master Builders did revert to Safe Work Australia (SWA) to ensure that its use of that body's statistics were accurate and to ensure that the

Committee had the most accurate data. SWA has, on 18 February 2014, indicated its view that the following is not correct in the use of the data:

- The data that we used in our submission dated 17 January 2014 at item 11.4 are for all serious claims in the construction industry, and they are not scoped for National OHS Strategy measurement.
- The data that we present in the submission at item 11.3 on fatality frequency rates are correct but they reflect all serious workers' compensation claims and are not scoped for the National OHS Strategy measurement.

2.4 Whilst the data provided in the 17 January 2014 submission is correct, following further intense exchanges with SWA, we are now aware that they represent all serious claims in the construction industry and should not have been used to measure progress against the National OHS Strategy. Properly scoped data for this supplementary submission provided by SWA appears below.

3 Wages Growth

- 3.1 We were asked by Senator Back to provide comparative wages data, at the least data which covers the period when the ABCC was in operation. This matter is labelled Question 1 by the Secretariat.
- 3.2 Attachment A shows the comparative wage growth by industry collected from ABS catalogue 6345 ABS Wage Price Index for 1998–2013. The percentage difference from the all industry index is shown for each sector identified by number. The construction sector is identified with the number 4.

4 Work Health and Safety

- 4.1 Senator Cameron indicated that Master Builders had used data from all-industries in the graph entitled, 'Building and Construction National OHS Strategy 2002-2012 Targets' at paragraph 11.4 of Master Builders' submission to the Committee. That was in fact not the all industries data but the construction industry specific data.

- 4.2 The National Strategy was agreed by all Australian governments, the Australian Chamber of Commerce and Industry (ACCI) and the Australian Council of Trade Unions (ACTU) in 2002. The National Strategy was also endorsed by the Master Builders' Board. The National Strategy set a national target to reduce the incidence of compensated work-related injury fatalities at least 20% and a national target to reduce the incidence of serious work-related injuries at least 40% by 30 June 2012.
- 4.3 Under the National Strategy, progress against the injury target is measured using serious injury and musculoskeletal disorders claims from the National Data Set for Compensation-based Statistics (NDS). Serious claims include all compensated fatalities, all claims for permanent incapacity and temporary incapacity claims involving one or more working weeks of time lost from work. However, we are now aware from SWA that it does not include disease claims (other than musculoskeletal disorders) or journey claims.
- 4.4 SWA has advised us that progress against the National OHS Strategy targets was measured using serious injury and musculoskeletal disorder claims. The main difference between these figures and those SWA report as 'serious claims' is that they exclude all disease claims except for musculoskeletal disorders. SWA excludes other diseases because it is acknowledged that workers' compensation data on much of the remaining work-related disease is incomplete and underestimates the true incidence of work-related disease in Australia. Additionally, many compensation claims for work-related disease involve long latency diseases. For instance, in the case of mesothelioma, the time between exposure to asbestos and development of the disease may be 30 years or more. Deafness, which accounts for around 5000 claims a year, also tends to occur over long periods. This means that disease statistics during the period of the National OHS Strategy could have reflected work health and safety environments of prior decades and would not reflect gains made as a result of work done under the National OHS Strategy. Journey claims are excluded from the measurement of the National OHS Strategy because not all jurisdictions' workers' compensation schemes cover journey claims. Where they are not covered there are no corresponding statistics. Therefore, because the disease data are an underestimate and the journey data are not national, they were not considered to provide reliable information for the purpose of reporting progress against the National Strategy.

- 4.5 These issues only became clear after we had sought further checking of the data with SWA. Hence, what follows is the properly scoped data which replaces the material in the 17 January 2014 submission.
- 4.6 There was a 28% decrease in the incidence rate of work-related injuries for all industries between the base period and 2011–12. This is below the rate of improvement required to achieve a 40% reduction in the incidence rate of work-related injuries by June 2012.

Table 1 – All-industries: Incidence rate of serious compensated injury and musculoskeletal claims per 1,000 employees

Base period	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (projected)*
14.8	14.4	14.2	13.8	13.0	12.6	12.3	11.7	11.1	10.8	10.7

Source: Safe Work Australia, Comparative Performance Monitoring Report (15th ed), October 2013. *The data that Safe Work Australia has for 2011-12 is preliminary and has been projected to estimate final claims figures.

- 4.7 The incidence rate of serious claims made per 1,000 employees in the construction industry was 25.8 in the base period. The sector experienced a reduction in serious claims over the 10 year period and the projected rate in 2011-12 was 16.6. This equates to a reduction of 35.7% just short of the target of a 40% reduction. The target was not met for the construction industry. This is in-line with the outcome of “all industries” which missed the target by some margin.

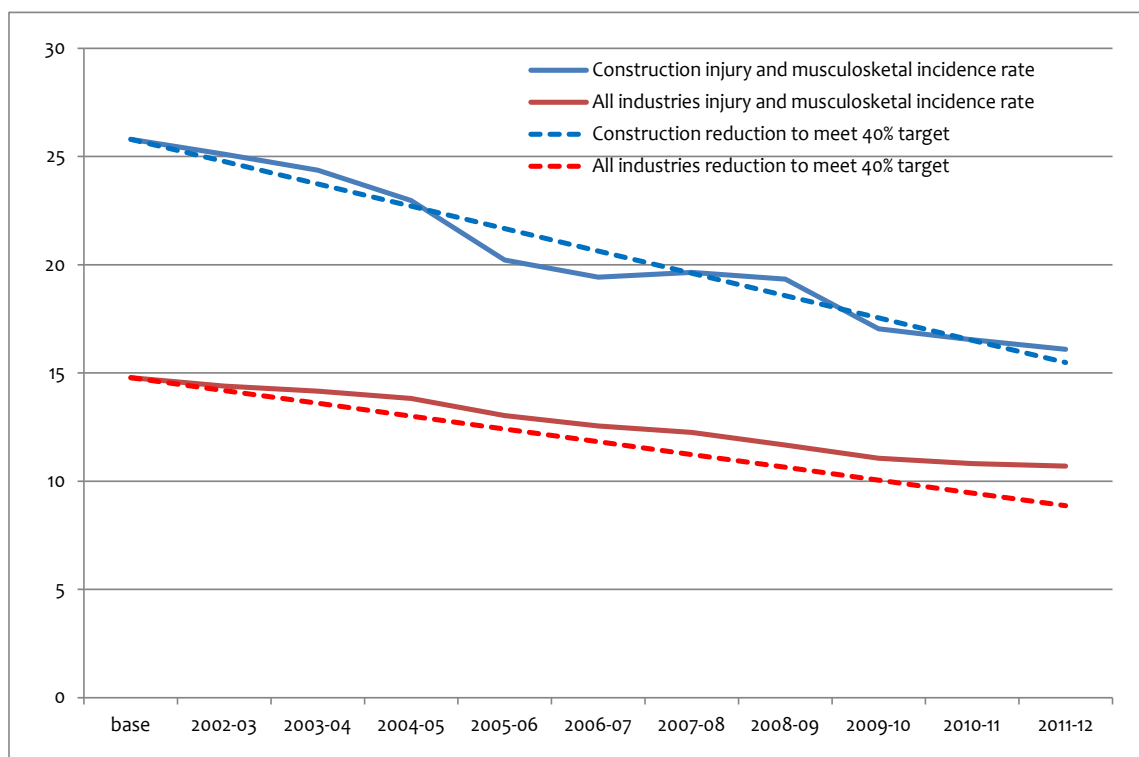
Table 2 – Construction: Incidence rate of serious compensated injury and musculoskeletal claims per 1,000 employees

Base period	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (projected)*
25.8	25.1	24.4	23.0	20.2	19.4	19.6	19.3	17.0	16.5	16.6

Source: Safe Work Australia National Data Set for Compensation-based Statistics (NDS),. *The data that Safe Work Australia has for 2011-12 is preliminary and has been projected to estimate final claims figures.

- 4.8 The following graph compares the performance of the construction industry against the 40% reduction target and the performance of all-industries against the 40% reduction target.

Graph 1 – Serious claims incidence rate performance against 40% reduction target



4.9 There was a 42% decrease in the incidence rate of compensated work-related injury and musculoskeletal fatalities for all-industries between the base period and 2011–12. This is more than twice the desired result and Australia met the target of a 20% reduction in the incidence rate of compensated work-related injury fatalities by June 2012.

Table 3 – All-industries: Incidence rates of compensated injury & musculoskeletal fatalities per 100,000 employees

Base period	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (projected)*
2.4	2.3	2.1	2.1	2.2	2.1	2.3	2.0	1.5	1.5	1.4

Source: Safe Work Australia, Comparative Performance Monitoring Report (15th ed), October 2013

*The data that Safe Work Australia has for 2011-12 is preliminary and has been projected to estimate final claims figures.

4.10 The compensated fatality incidence rate per 100,000 employees in the construction industry was 6.5 in the base period. That figure was reduced to a projected rate of 3.5 in 2011-12, a reduction of 46.2% This reduction rate is

more than double the 20% target set in the 2002-2012 strategy, but Master Builders notes that more should always be done to prevent fatalities at work.

Table 4 - Construction: Incidence rates of compensated injury & musculoskeletal fatalities per 100,000 employees

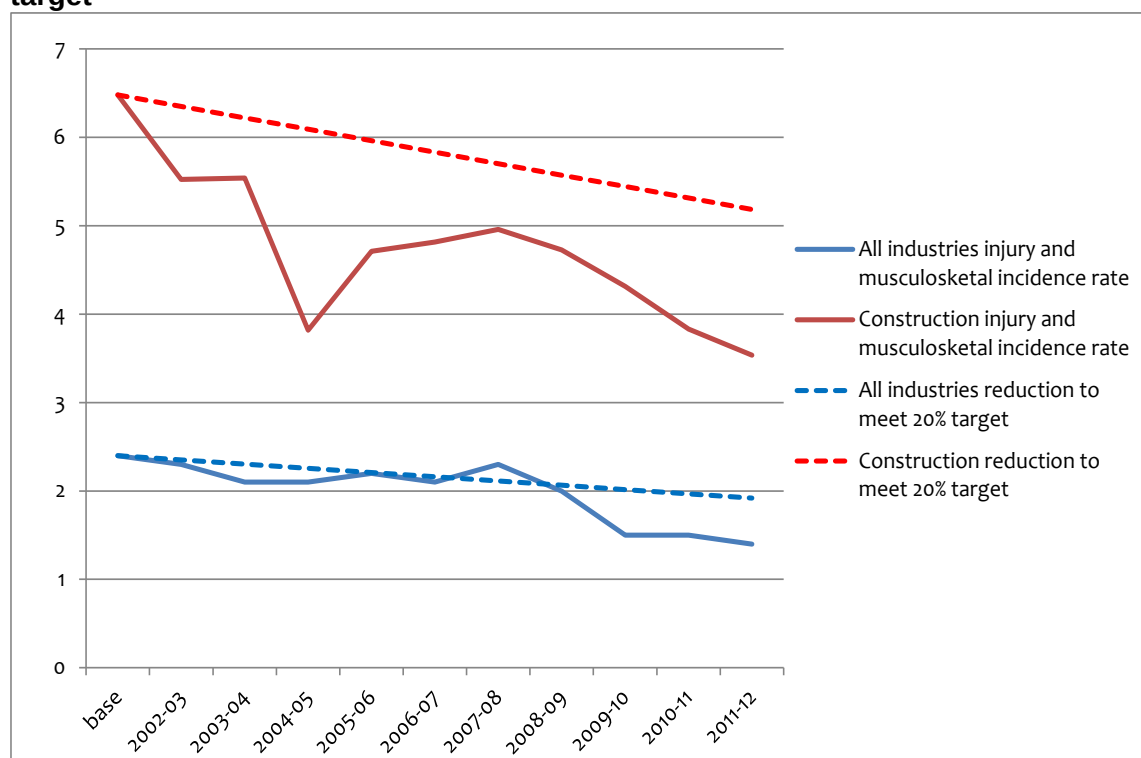
Base period	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12 (projected)*
6.5	5.5	5.5	3.8	4.7	4.8	5.0	4.7	4.3	3.8	3.5

Source: Safe Work Australia National Data Set for Compensation-based Statistics (NDS)

*The data that Safe Work Australia has for 2011-12 is preliminary and has been projected to estimate final claims figures.

- 4.11 The following graph compares the performance of the construction industry against the 20% reduction target and the performance of all-industries against the 20% reduction target.

Graph 2 – Fatality incidence rate performance against 20% reduction target



- 4.12 Under the new Australian Strategy (2012-2022), progress against the fatality target will be measured using data from the Traumatic Injury Fatality collection. This collection contains information on all persons who died while

working including unpaid volunteers, family workers and persons undertaking work experience.

4.13 The Traumatic Injury Fatalities collection combines information from the following three datasets in order to have complete coverage of the Australian workforce:

- The National Data Set for Compensation-based Statistics (NDS)
- The Notifiable Fatalities Collection (NFC), and
- The National Coronial Information System (NCIS)

4.14 The following table provides the Traumatic Injury Fatalities report data for worker fatalities and the fatality rate per 100,000 workers for the construction industry from 2003 to 2012. Data from the Traumatic Injury Fatalities report is not available prior to 2003.

Table 5 - Construction: Traumatic Injury Fatalities

	2003	2004	2005	2006	2007	2008	2009	2010	2011	2012
Worker fatalities	44	36	34	48	51	41	40	44	42	30
Fatality rate per 100,000 workers	5.84	4.50	3.98	5.25	5.36	4.11	4.02	4.33	4.07	3.00

Source: Safe Work Australia, Traumatic Injury Fatalities (2012)

4.15 Finally, we note that a number of results set out above for the first year of the 2011-2012 National Strategy are labelled as preliminary or 'projected'. SWA advises that this is because:

This reflects the supply of workers' compensation data to Safe Work Australia. Safe Work Australia is supplied with workers' compensation data by jurisdictional workers' compensation authorities on an annual basis. It takes them some time to assess the claims and determine liability. Also claims lodged late in the financial year need time to finalise to determine if they meet our definition of 'serious'. The 2011-12 data for the National Data Set for Compensation-based Statistics (NDS) were supplied by jurisdictions between March and June 2013 but because the liability on some claims had not been determined before the NDS

data supply deadline, the total number of claims is expected to be revised up by about 3% when the data for the next financial year are supplied. Jurisdictions supply updates on data back five years. Thus, when the 2012-13 data are supplied in March 2014, they will contain an update on the 2011-12 data plus much less significant updates on the four years prior to 2011-12. When the first revision of the 2011-12 data is provided the National OHS Strategy results will be able to be finalised.

5 Judicial Criticism of the ABCC

5.1 At page 16 of the Proof Hansard, Senator Cameron said:

Mr Calver, I have asked the Constructors Association to provide me their views on the judicial criticism that has generally been applied to the ABCC, including from the Federal Court, which is clearly a court of record. Could you also take on notice to provide the committee with the MBA's views on the judicial criticism that has been made and also the critiques that were made by Justice Wilcox when he had a look at the ABCC?

Our understanding of what that criticism comprises follows with the question label shown by the relevant case.

5.2 *Steven Lovewell v Bradley O'Carroll & Others* (unreported matter QUD 427 2007) (Question 2)

5.2.1 In the case, the ABCC alleged that an organiser acted with intent to coerce a head contractor to terminate the contract of a plumbing subcontractor. The proceeding ended after the first day. The ABCC discontinued the civil penalty proceeding after assessing that there was no real prospect of success.

5.2.2 Following the discontinuance, Spender J criticised the ABCC saying the case should not have been brought and that it lacked an even-handed approach as expressed in the material from the Committee Secretariat. The judge also made allegations of fraud against the company involved.

5.2.3 We are informed that then Acting ABCC Commissioner, Ross Dalgleish wrote a letter of complaint to the Attorney General on 14 November 2008, with particular reference to the Judge's allegations of fraud, which were not a subject of the case.

5.2.4 We are informed that on 7 January 2009, the then Acting ABCC Commissioner received a letter from the AG stating that the matter

had been forwarded to Chief Justice Black. No further correspondence was received.

5.3 *Duffy v Construction, Forestry, Mining & Energy Union* [2008] FCA 1804 (Question 3)

5.3.1 In this case the ABCC alleged that the CFMEU engaged in unlawful industrial action and breached the act by threatening to take action with intent to coerce.

5.3.2 The judicial criticism is with regard to the particular interviewing technique of an inspector. The inspector is described as “avidly anti-union,” as expressed in the material from the Committee Secretariat.

5.3.3 The interview, submitted as evidence, was described as “inherently unreliable.”

5.3.4 Marshall J ruled against the ABCC. The material shows that one inspector was impugned, not the agency itself.

5.4 *Cozadinos v CFMEU* [2008] FMCA 1591

5.4.1 Here the ABCC alleged that the CFMEU and organiser Jason Bell breached the Act by threatening to take action with the intent to coerce.

5.4.2 Gray J criticised the evidence and stated that Ms Cozandinos “failed to prove her claim in any respect.”

5.4.3 An appeal by FWBC was upheld and an agreement reached between the parties as to settlement. The CFMEU admitted to the breach in the settlement.

5.4.4 The CFMEU was penalised \$20K and paid \$42,500 in costs to FWBC.

5.5 *ABCC v Stephenson & Ors* [2013] FCA 1014 (Question 4)

ABCC alleged false safety claims that were linked to coercion. Evidence made available showed that safety was actually an issue and the statement of claim was amended. Coercion was still considered. Criticism relates to the close relationship between safety and coercion in the evidence provided by ABCC, even after the contention on safety was removed.

5.6 *Director, FWBII v Myles & Ors* [2013] FCCA 2229

- 5.6.1 In this case the FWBC alleged officials when exercising right of entry permit entry, failed to comply with reasonable safety requirements at the site and/or intentionally hindered, obstructed or acted in an improper manner when exercising these rights.
- 5.6.2 The Court criticised technical issues relating to the pleadings.
- 5.6.3 The Court acknowledged it did not draw the issues to anyone's attention during the hearing.
- 5.6.4 His Honour stated that "While the applicant cannot be criticised for following the processes provided for under the Court's rules, it ought not consider itself to slavishly be bound by them when a more suitable process is available".
- 5.6.5 Interestingly, at footnote 8 the judge accepted responsibility for his failing to be more vigilant in his oversight of the case. Court found against the union officials and unions. Matter listed for Directions on 19 February 2014. Penalty hearing on 28 February 2014. As the matter is before the court no further comment should be made.

6 Compulsory Powers Challenges: Further Comments

- 6.1 On each occasion that the powers were challenged, the courts ruled in favour of ABCC, with the exception of the Ark Tribe matter discussed at paragraph 6.3, brought by the Commonwealth Director of Public Prosecutions (CDPP) rather than the ABCC. The magistrate in that case dismissed the CDPP's charge on the basis of a technicality in the legislation which was remedied by administrative action. The other case that covers the same ground is next discussed.
- 6.2 *Washington v Hadgkiss* [2008] FCA 28
 - 6.2.1 In 2007, the ABCC served notices on Noel Washington, CFMEU Victorian Senior Vice President and Ivan Balta, Communications Electrical and Plumbers Union (CEPU) official, to attend and answer questions in relation to an ABCC investigation. The investigation related to alleged threats and intimidation by CFMEU officials, including then Assistant Secretary John Setka, of a witness who

was to give evidence against a CFMEU official at a proceeding in the Australian Industrial Relations Commission in Melbourne.

6.2.2 The ABCC notice alleged that Mr Setka had directed workers at a barbeque to call an employee who had proposed to appear as a witness in an AIRC proceeding 'Lassie'. The ABCC notice also alleged that Mr Setka and/or Mr Washington and David Mier, ETU official, distributed a flyer which contained derogatory comments about the employee and referred to the employee as a 'No Good Give Up Dog' and contained a photo of a dog resembling the television show dog called 'Lassie'. The ABCC notice further alleged Mr Setka had made threats of violence to the employee and assaulted another employee who had proposed to appear as a witness.

6.2.3 On 19 November 2007, Mr Washington, Mr Setka, Mr Balta, Communications Electrical and Plumbers Union (CEPU) official, and Mr Mier filed an application in the Federal Court of Australia in Melbourne alleging that the ABCC had issued notices for an improper purpose. On 11 December 2007 the challenge was heard before Marshall J.

6.2.4 On 29 January 2008 His Honour dismissed the application.

6.3 *Commonwealth Director of Public Prosecutions v Tribe* ('Ark Tribe'), Whittle SM 24 November 2010

6.3.1 A further challenge to the ABCC's compulsory powers was successful, following the refusal of a worker to be interviewed by the ABCC or attend an ABCC hearing as a witness in respect of unlawful industrial action. As a result, the Commonwealth Director of Public Prosecutions (CDPP) instituted proceedings against the worker. Following a week's hearing before a Magistrate, the worker was found not guilty. The matter concerned an incident which took place on 30 May 2008 at a building site at Flinders University, Adelaide. The event involved approximately 30 workers walking off the site to attend an unauthorised meeting, at the conclusion of which the majority of those in attendance left the site for the day.

- 6.3.2 On 24 November 2010, in response to the Ark Tribe decision, ABCC Commissioner Johns announced that he would conduct all compulsory examinations personally. In the financial year 2011-12 a total of four examinations were conducted. This compared with 175 between 2006 and 2010.
- 6.3.3 In 2012, the compulsory examination powers under s. 52 of the BCII Act were changed. The FWBI Act retains the examination powers, but they are subject to over-elaborate safeguards.

7 Wilcox Criticisms

- 7.1 Here we further respond to Senator Cameron's comments set out at paragraph 5.1 of this submission.
- 7.2 The Wilcox Report should be read as a whole. Throughout the Wilcox Report an assessment of the ABCC is made. The categoric statement from Mr Wilcox that stands out however is contained at paragraph 3.23 of his report as follows:

(T)he ABCC's work is not yet done. Although I accept there has been a big improvement in building industry behavior during recent years, some problems remain. It would be unfortunate if the inclusion of the ABCC in the OFWO led to a reversal of the progress that has been made.

- 7.3 Despite all of the other material in his report, Mr Wilcox believed that the work of the ABCC was not yet done.

8 AAT Supervisory Role

- 8.1 The Committee Secretariat (Question 5) advised on 12 February 2014 that Senator Cameron has requested submitters' views on the following:

The checks and balances applied by the Administrative Appeals Tribunal on the use of the Fair Work Building Industry Inspectorate's coercive powers and to address specifically why the proposed legislation should not maintain those checks and balances, as recommended by his Honour Justice Wilcox.

- 8.2 Master Builders' view is that the Productivity Bill contains sufficient safeguards relating to the use of the coercive powers, especially the role of the

Commonwealth Ombudsman. Supervision by the AAT is clunky and unwarranted.

- 8.3 Appropriate protection for those who are called to an examination is contained in clause 64 and clause 65 of the Productivity Bill. Under clause 64 the ABC Commissioner must notify the Commonwealth Ombudsman of the use of the power. The material set out in clause 65 must be provided to the Ombudsman as soon as practicable after an examination has been completed. The Ombudsman must review the exercise of the powers and report to Parliament about the reviews. These are appropriate safeguards and are supported.

9 Productivity Trends

- 9.1 Master Builders' written submission attaches the Independent Economics' Report which shows clear linkages between the work of the ABCC and its predecessor, the Building Industry Taskforce, and productivity improvement in the building and construction industry.
- 9.2 During the course of the hearing on 6 February 2014, Senator Urquhart provided charts (reproduced together as Attachment B) to Master Builders for comment. Senator Urquhart asked for an explanation of what is shown in the charts compared with the productivity data used by Independent Economics.
- 9.3 In respect of the charts which are attached together as Attachment B, Independent Economics has been shown those charts and has stated as follows:

Labour Productivity and Multi-factor productivity are two alternative measures of productivity, both based on ABS data. As different measures, their precise movements will always differ, but they both show similar patterns when comparing productivity growth between the construction industry and the whole economy.

Both alternative measures show that in the years up to the establishment of the BITF/ABCC in 2002, average productivity growth was lower in construction than for the economy generally, while the opposite was true in the years from 2002 onwards. Professor Peetz acknowledges this productivity pattern, which is shown in Charts 2.1 and 2.2 of the 2013 Independent Economics report.

What Peetz has done is to propose explanations for this productivity pattern that do not involve the activities of the

BITF/ABCC. However, this is unconvincing because this pattern of construction industry economic benefit from the BITF/ABCC era is not only seen in the productivity statistics, but also in the other major relevant statistics, for working days lost and for building costs in commercial building relative to domestic building. This is detailed in section 2.2 of the 2013 Independent Economics report.

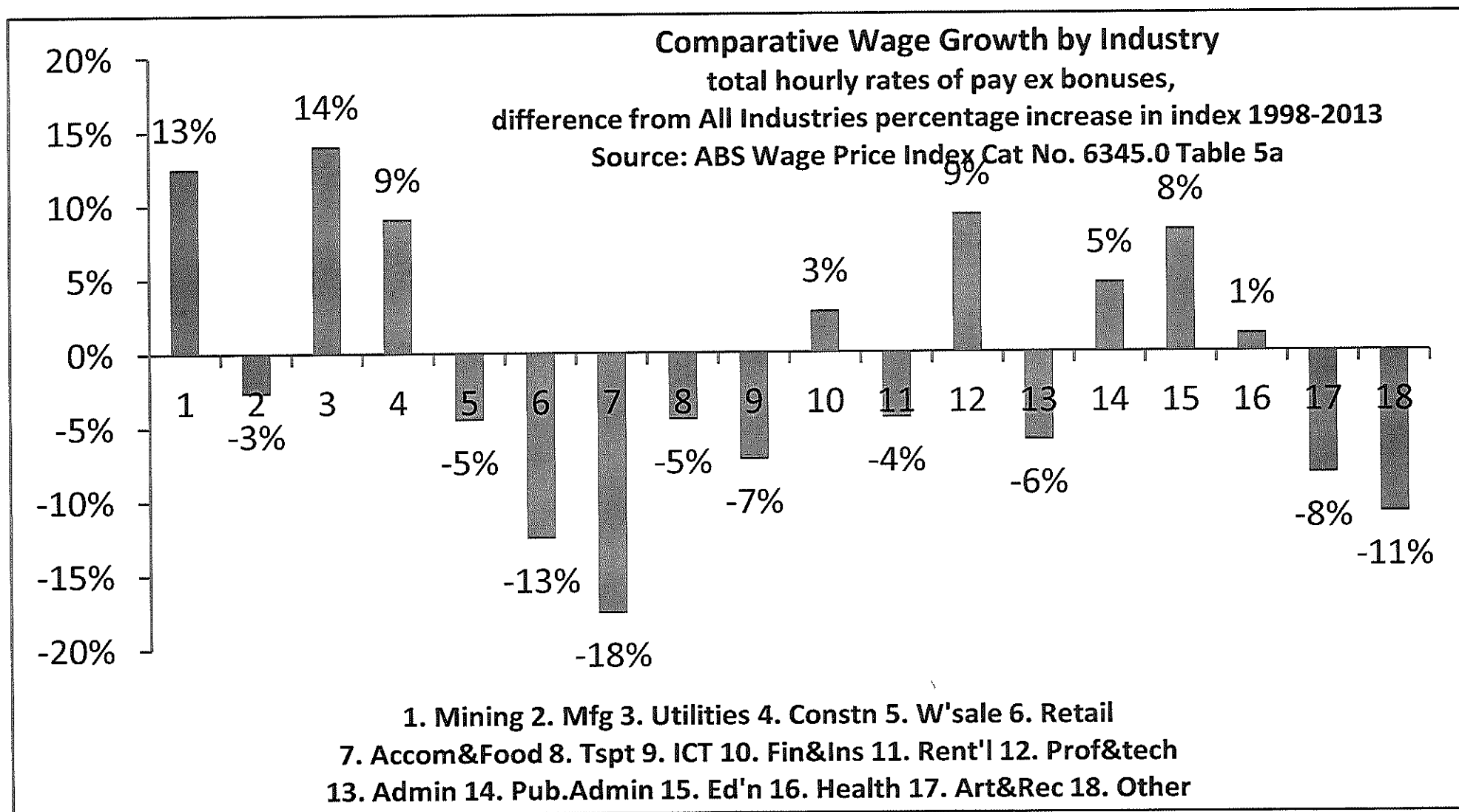
- 9.4 Table 6 shows average labour productivity and multi-factor productivity growth, both based on ABS data. The table highlights, as noted above, that whilst precise movements of the different measures will always differ, they show similar patterns when comparing productivity growth between the construction industry and the whole economy.

Table 6: Construction Productivity (average annual percentage change in productivity measures)

	Pre-Task Force/ABCC		Task Force/ABCC	
	Labour Productivity	Multifactor Productivity	Labour Productivity	Multifactor Productivity
Construction	1.9	0.8	2.7	2.1
All industries/12 selected industries	2.7	1.5	1.1	-0.2

Source: Labour productivity as measured by gross value added per hour worked from ABS 5204.0 Table 15 series 1995-2013 comparing construction and all industries (Pre-Task Force/ABCC 1995-2002; Task Force/ABCC 2003-2012). Multifactor Productivity as measured by gross value added multifactor productivity indexes on a quality adjusted hours worked basis from ABS 5260.0.55.002 Table 1 series 1989-90 – 2012-13 comparing construction and 12 selected industries (Pre-Task Force/ABCC 1989-90 – 2001-02; Task Force/ABCC 2002-03 – 2011-12).

- 9.5 Both measures show that in the years up to the establishment of the Building Industry Task Force/Australian Building and Construction Commission in 2002, average productivity growth was lower in construction than for the economy generally, while the opposite was true in the years from 2002 onwards.



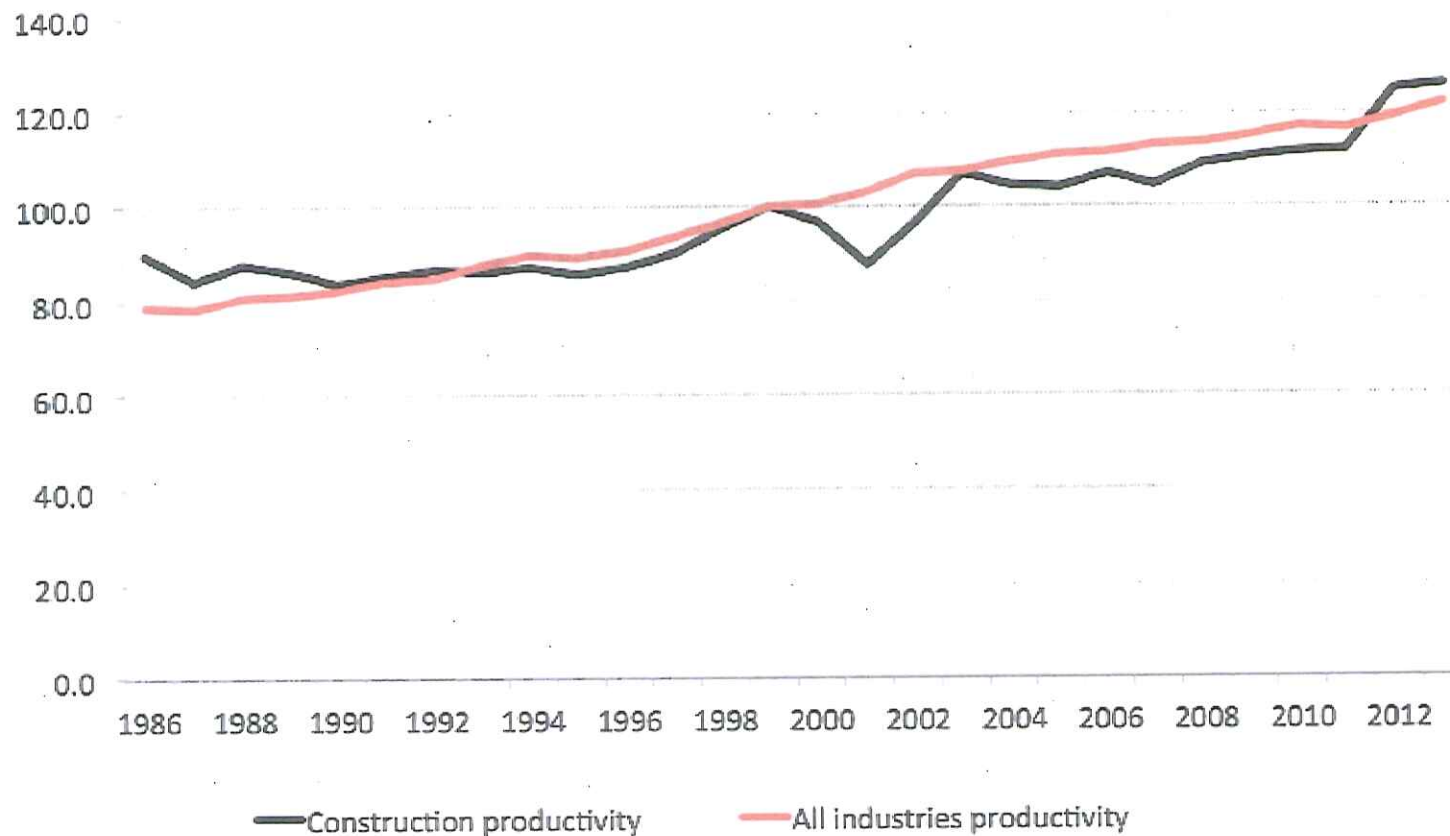
ATTACHMENTS

**TABLES AND CHARTS FROM SUBMISSION OF
PROFESSOR DAVID PEETZ**

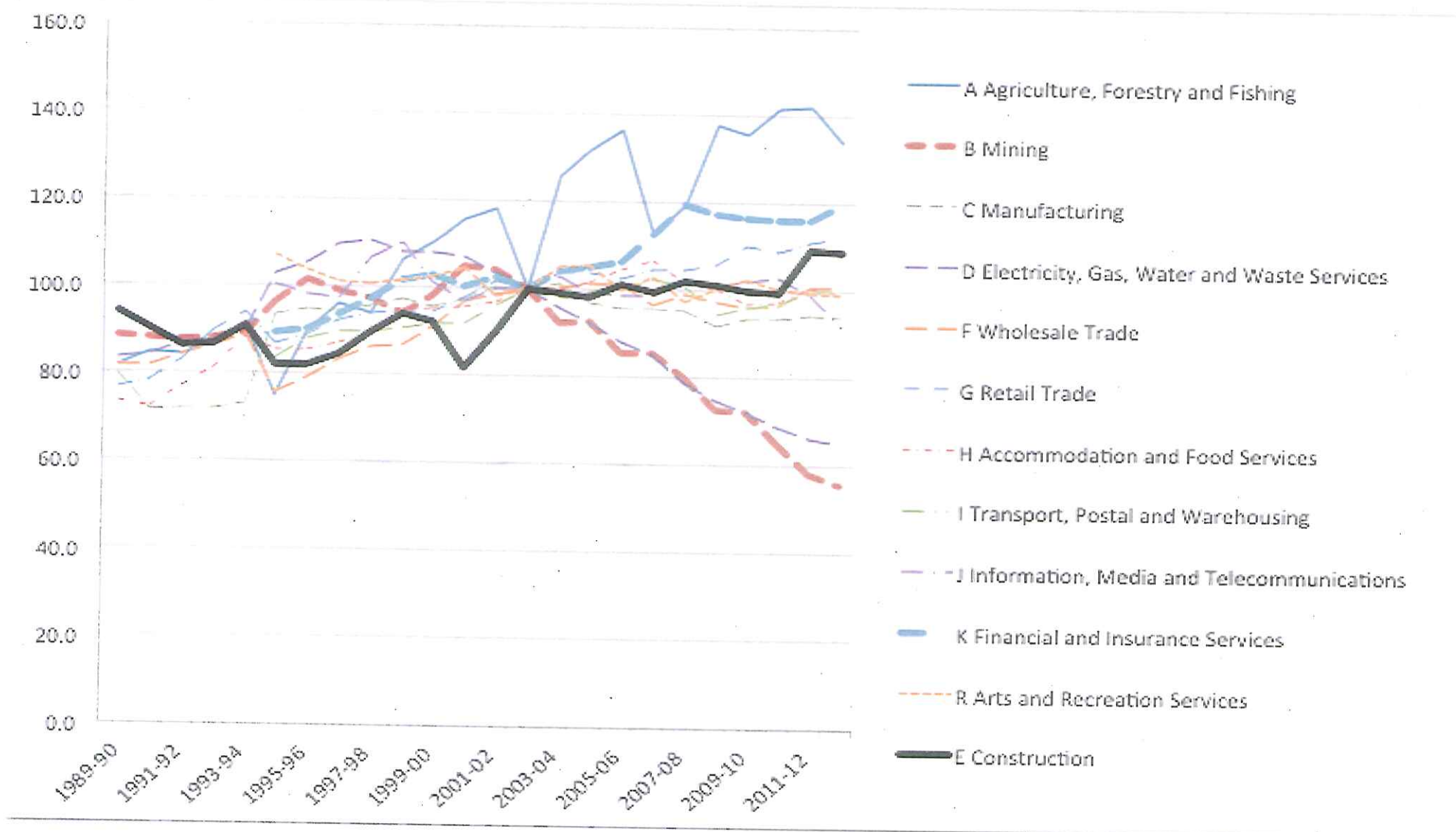
**ABS MULTIFACTOR PRODUCTIVITY DATA -
CONSTRUCTION AND ALL INDUSTRIES 1989-90 TO 2011-12**

**CHART OF GROSS VALUE ADDED PER HOUR WORKED INDEX – CONSTRUCTION AND ALL
INDUSTRIES 1995 TO 2013**

Chart 3 Comparison on construction industry labour productivity and national labour productivity indices

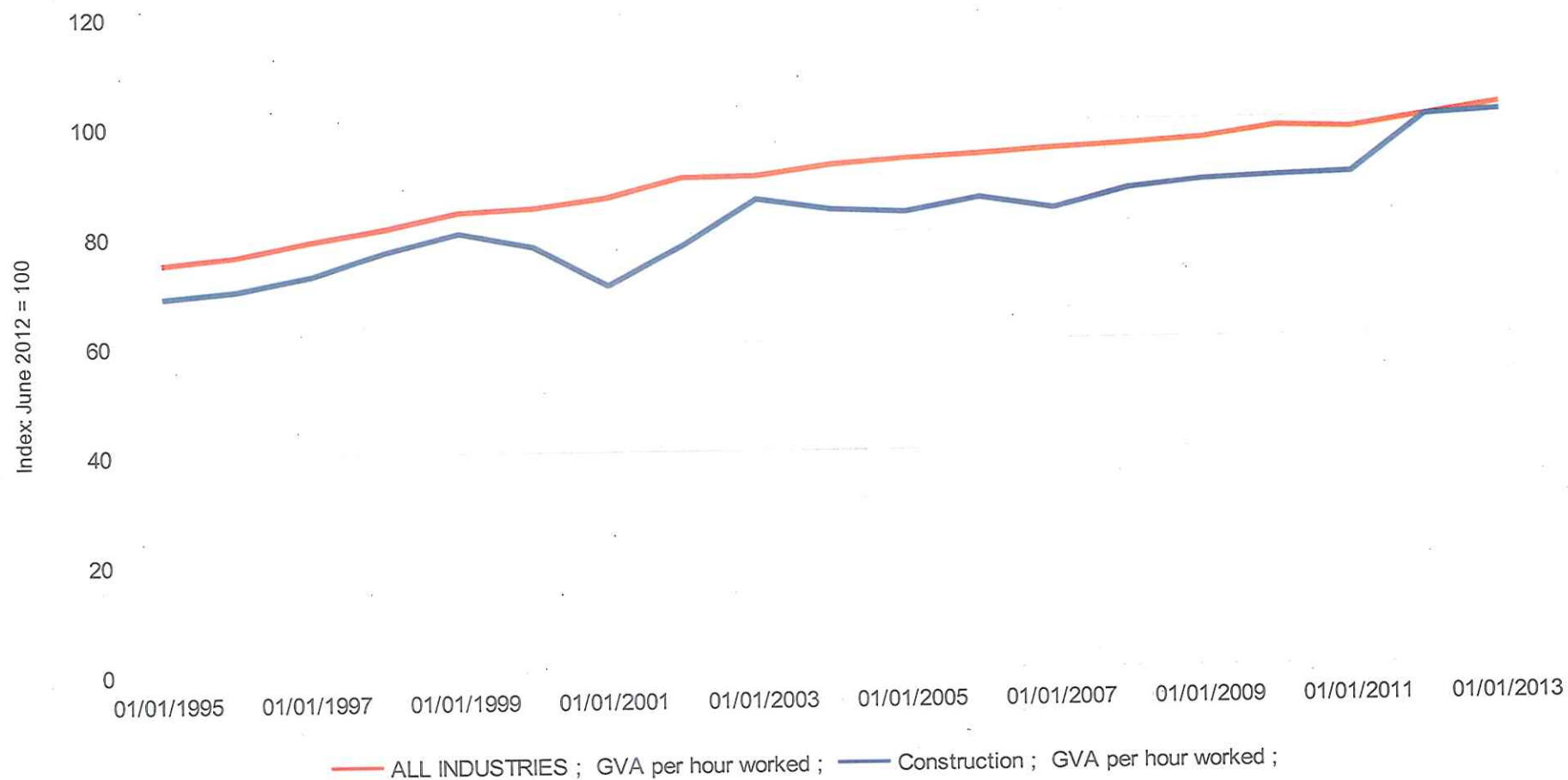


Source: ABS Cat 5204.0 Australian System of National Accounts, Table 15.



Gross Value Added (GVA) per hour worked index - Construction and All Industries June 1995 to June 2013

Source: ABS Cat. no 5204.0 Table 15





5260.0.55.002 Estimates of Industry
Multifactor Productivity, Australia:
Detailed Productivity Estimates.

Released at 11.30am (Canberra time) 7 December
2012

Table 1: Gross value added based multifactor
productivity indexes (a)

	1989-90	1990-91	1991-92	1992-93	1993-94	1994-95	1995-96	1996-97	1997-98	1998-99	1999-00	2000-01	2001-02	2002-03	2003-04	2004-05	2005-06	2006-07	2007-08	2008-09	2009-10	2010-11	2011-12
Quality adjusted hours worked basis																							
E Construction	82.44	82.16	81.40	81.70	82.66	81.48	81.57	83.99	88.83	92.62	90.86	80.59	88.44	98.10	96.86	95.98	98.86	97.38	99.73	99.76	98.30	100.00	104.78
Annual percentage change for construction from previous year		-0.34	-0.93	0.37	1.18	-1.43	0.11	2.97	5.76	4.27	-1.90	-11.30	9.74	10.92	-1.26	-0.91	3.00	-1.50	2.41	0.03	-1.46	1.73	4.78
12 Selected industries (b)	86.10	86.62	86.13	87.71	89.30	90.87	93.40	94.92	97.13	99.67	99.59	99.82	102.67	102.73	104.51	104.08	103.80	103.81	103.59	101.32	101.36	100.00	100.00
16 Market Sector industries (c)	na	na	na	na	na	93.83	95.44	96.77	98.26	100.87	100.64	101.16	104.11	103.97	105.16	104.23	103.66	103.23	102.47	100.92	101.05	100.00	100.11
Annual percentage change for market sector from previous year							1.72	1.39	1.54	2.66	-0.23	0.52	2.92	-0.13	1.14	-0.88	-0.55	-0.41	-0.74	-1.51	0.13	-1.04	0.11
Hours worked basis																							
E Construction	81.69	81.51	80.89	81.32	82.40	81.35	81.58	84.17	89.20	93.21	91.64	81.46	89.38	99.13	97.86	96.94	99.83	98.20	100.41	100.23	98.54	100.00	104.47
Annual percentage change for construction from previous year		-0.22	-0.76	0.53	1.33	-1.27	0.28	3.17	5.98	4.50	-1.68	-11.11	9.72	10.91	-1.28	-0.94	2.98	-1.63	2.25	-0.18	-1.69	1.48	4.47
12 Selected industries (b)	82.22	82.91	82.63	84.36	86.08	87.81	90.45	92.18	94.58	97.32	97.51	97.99	101.02	101.29	103.26	103.05	102.98	103.17	103.12	101.02	101.21	100.00	100.14
16 Market Sector industries (c)	na	na	na	na	na	90.38	92.22	93.79	95.54	98.39	98.48	99.30	102.45	102.55	103.96	103.29	102.95	102.68	102.08	100.67	100.93	100.00	100.21
Annual percentage change for market sector from previous year							2.0	1.7	1.9	3.0	0.1	0.8	3.2	0.1	1.4	-0.7	-0.3	-0.3	-0.6	-1.4	0.3	-0.9	0.2

(a) Chain volume gross value added at basic prices.
Reference year for indexes is 2010-11 = 100.0.

(b) Divisions A to K and R

(c) Divisions A to N, R and S

Table 2: Construction as a share of all working days lost through industrial disputes, per quarter, 1995-96 to date

	Construction	All industries	Proportion of all days lost, in construction
average 1995/96 - 2001/2	39.8	139.9	28%
average 2002/3 to 2011/12	13.6	54.7	25%
average 2012/13 to date ^(a)	13.7	46.1	30%

(a) Latest data are for September quarter 2013.

Source: ABS Cat 6321.0.55.001 Industrial Disputes, Australia, Table 2a.