



# **AMMA 2016 FEDERAL ELECTION SURVEY**

**Policy Priorities of the Australian Resource Industry  
FULL REPORT**  
April 2016



AMMA is Australia's national resource industry employer group, a unified voice driving effective workforce outcomes. Having actively served resource employers for 98 years, AMMA's membership spans the entire resource industry value chain: exploration, construction, commercial blasting, mining, hydrocarbons, maritime, smelting and refining, transport and energy, as well as suppliers to those industries.

AMMA works to ensure Australia's resource industry is an attractive and competitive place to invest and do business, employ people and contribute to our national wellbeing and living standards.

The resource industry is and will remain a major pillar of the national economy, and its success will be critical to what Australia can achieve as a society in the 21st century and beyond.

The Australian resource industry currently directly generates over 8% of Australia's GDP. In 2014-15, the value of Australian resource exports were \$171.9 billion. This is projected to increase to \$256 billion in 2019-20. It is forecast that Australian resources will comprise the nation's top three exports by 2018-19. Over 50% of the value of all Australian exports are from the resource industry.

Australia is ranked number one in the world for iron ore, uranium, gold, zinc and nickel reserves, second for copper and bauxite reserves, fifth for thermal coal reserves, sixth for shale oil reserves and seventh for shale gas reserve.

AMMA members across the resource industry are responsible for significant levels of employment in Australia. The resources extraction and services industry directly employs 223,200 people. Adding resource-related construction and manufacturing, the industry directly accounts for four per cent of total employment in Australia.

Considering the significant flow-on benefits of the sector, an estimated 10 per cent of our national workforce, or 1.1 million Australians, are employed as a result of the resource industry.

First published in 2016 by  
AMMA, Australian Mines and Metals Association

Email: [policy@amma.org.au](mailto:policy@amma.org.au)  
Phone: (03) 9614 4777  
Website: [www.amma.org.au](http://www.amma.org.au)  
ABN: 32 004 078 237

© AMMA 2016

This publication is copyright. Apart from any use permitted under the Copyright Act 1968 (Cth), no part may be reproduced by any process, nor may any other exclusive right be exercised, without the permission of the Chief Executive, AMMA, GPO Box 2933, BRISBANE QLD 4001

## TABLE OF CONTENTS

EXECUTIVE SUMMARY .....	iii
INTRODUCTION .....	1
HOW WE REGULATE WORK IN AUSTRALIA IS CRITICALLY IMPORTANT.....	5
WORKPLACE REFORM MUST BE A PRIORITY .....	9
ENTERPRISE BARGAINING IS NOT WORKING AS INTENDED .....	15
NEW PROJECTS NEED NAVIGABLE WORKPLACE ARRANGEMENTS .....	19
INDIVIDUAL FLEXIBILITY REMAINS A CHALLENGE .....	23
UNION POWERS TO ENTER WORKPLACES MUST BE BALANCED .....	27
INCOMING EMPLOYERS NEED BETTER INCENTIVES TO RETAIN STAFF .....	31
THE FAIR WORK COMMISSION MUST BE REFORMED .....	33
UNFAIR DISMISSAL PROCESSES NEED REFINEMENT.....	35
A LONG WAY TO GO ON SUPERANNUATION CHOICE.....	41
APPENDIX 1: ABOUT THE SURVEY .....	43



## EXECUTIVE SUMMARY

AMMA recently surveyed employers from across Australia's resource industry (oil and gas, mining, exploration, construction, maritime and services) on the performance of our workplace relations system and areas where reform is needed.

108 responses were received from the employers of more than 85,000 people (more than one third of all employment in the Australian resource industry).

The majority of survey responses (as detailed in this report) indicated that:

- **Doing business in Australia's resource industry continues to be very difficult (p.2).**
- **How we regulate employment/workplace relations is critically important (p.5):**
  - Labour costs and structuring employment to meet operational needs continue to be key impediments for doing business in Australia.
  - Our current workplace relations system is creating unnecessary barriers to employment and making it difficult for Australian businesses to compete globally and to respond to changing market conditions.
  - The current workplace relations system is not encouraging genuine bargaining, not supporting investor confidence and not reflecting our modern economy.
- **Australia's next government must take legislative action (p.9):** Employers strongly support:
  - Implementing key workplace relations reforms recommended by the Productivity Commission in late 2015.
  - Ensuring the Fair Work Act better supports flexibility and productivity.
  - Expanding options for collective and individual agreement making.
  - Expanding scope for higher earning employees to agree on their employment arrangements with their employers.
  - Urgently restoring the Australian Building & Construction Commission (ABCC) and improving governance and accountability of registered unions and employer organisations. This means passing reform legislation during the current Parliament, prior to the 2016 election.
- **Enterprise bargaining is not working as intended (p.15):**
  - Unions are being rewarded for pursuing excessive claims and matters that hinder rather than increase productivity, competitiveness and job security.
- **New resource projects need more navigable workplace relations arrangements (greenfields agreements, p.19).** Employers negotiating employment arrangements for new resource projects report:
  -

- Being forced to concede to union demands to secure employment arrangements (i.e. unions having a veto on greenfields agreement making).
- A lack of options where unions refuse to progress employment arrangements prior to new resource projects commencing.
- **Employers are concerned at a lack of options under existing legislation to engage directly with their employees on terms and conditions of employment (p.23):**
  - Employers are particularly concerned at their inability to:
    - Make individual agreements with their employees.
    - Respond to unexpected demand or requirements on the business.
- **Unions' powers to enter workplaces (right of entry) must be balanced (p.27).**
  - Employers subject to union entry visits report:
    - Excessive union visits to their workplaces, misuse of union entry powers by unions coming onto their sites, and disruption to their operations.
    - Considerable difficulties applying the current union entry rules.
  - Employers support a code of conduct for unions visiting worksites and entry for discussions only where a union has an agreement or is negotiating one (p.12).
- **Incoming employers need better incentives to retain existing staff when businesses change hands (p.31).**
- **There is strong employer support for reforming the Fair Work Commission (p.33)**
- **Unfair dismissal processes need to be refined (p.35):** Resource employers are concerned with:
  - The frequency of unfair dismissal claims from their former employees (and the accompanying costs and disruption of dealing with such claims).
  - Speculative unfair dismissal claims, even where it is clear they lack merit.
  - Being forced to pay "go away money" on commercial grounds, even where the employer is in the right and dismissal was not unfair.
- **All employees, including those working under enterprise agreements negotiated with trade unions, should have a right to choose their superannuation fund (p.41).**

## INTRODUCTION

During March and April 2016, national resource industry employer group AMMA surveyed its members across Australia's mining, oil and gas, construction and allied sectors on a range of policy issues in the lead-up to the 2016 federal election<sup>1</sup>.

More than 100 of Australia's leading resource companies reported on their current workplace employment and operational challenges and identified workplace relations reform priorities that the next Australian Government should prioritise if Australia is to maintain a competitive, job-generating resource sector that contributes to growth, job opportunities and living standards for all Australians.

There has never been a more important time to improve Australia as a place to invest, do business and create jobs in the resource industry.

Australia has seen a massive fall-off in resource investment in recent years:

- In October 2015, Australia had 223 major resources and energy projects in the pipeline with a combined value of \$428.8bn.
- Six months earlier (April 2015) there were 232 major projects in the 'pipeline' with a combined value of \$439.4bn.
- Between October 2013 and October 2015, Australia saw 112 fewer resource projects proceed and a reduction in our pipeline of future project work of \$159.6bn.
- This is higher than our federal Budget spend on health, education, public order and safety, defence and general public services combined.

Between 1995-96 and 2014-15, mining gross value added based multifactor productivity indexes fell by 42%<sup>2</sup>.

This is borne out in the survey responses of companies across the resource industry. Looking at the introductory questions to the survey, it is clear that **doing business in the Australian resource industry continues to be very difficult.**

---

<sup>1</sup> **Appendix 1** further details survey methodology, coverage and responses.

<sup>2</sup> Source: ABS Cat. 5260.0.55.002 - Estimates of Industry Multifactor Productivity, 2014-15

Survey respondents were asked:

*How would you describe the current operating environment for your organisation?*

	<b>% of respondents</b>
<b>Extremely challenging</b>	36.7
<b>Challenging</b>	49.0
<b>Fair</b>	6.1
<b>Positive</b>	6.1
<b>Extremely positive</b>	2.1

Comments respondents made about their current operating environment included:

*"The demand side of the industry has collapsed not only in Australia but worldwide. This will take a while to get corrected and, when corrected, it is on us to make sure we start off on the correct settings."* (offshore construction company)

*"Revenues are declining at a very fast pace."* (maintenance, fabrication and manufacturing company)

*"There has been a major downturn in the industry over the last 18 months."* (oil and gas / hydrocarbons company)

*"International commodity prices have fallen rapidly. There are significant cost pressures and a restricted ability to enact good business practices due to legislative policies. Enacting change is cumbersome and costly."* (minerals processing company)

*"There is increasing international competition."* (mineral exploration company)

*"Contractors are facing lower margins than ever in an increasingly competitive environment."* (services to mining company)



## Workforces are smaller, and there has been a drop off in employment in the sector

Which of the following best describes your organisation's workforce compared with two years ago (ie the first half of 2014)?

	% of respondents
<b>We now have a significantly smaller workforce</b>	38.8
<b>We now have a smaller workforce</b>	37.8
<b>We have about the same-sized workforce</b>	11.2
<b>We now have a larger workforce</b>	7.1
<b>We now have a significantly larger workforce</b>	5.1

This is reflected in ABS Labour Force data, which shows current<sup>3</sup> total employment in the Mining Industry (223,200 persons) at 18% off its peak of 272,200 persons in May 2012<sup>4</sup>.

Comments from respondents on the issue of workforce size included:

*"We have reduced staff by 15% nationally, and by 95% in the resource sector."* (onshore construction company)

*"Projects being cancelled or reduced has contributed to our headcount being lower and also the need to restructure to reduce company costs."* (coal mining company)

*"Wages escalation has made us too expensive."* (onshore and offshore construction company)

## Things are not set to get better any time soon

Thinking about the operating environment for your organisation in 12 months' time, do you forecast it will be ...?

	% of respondents
<b>Extremely challenging</b>	34.7
<b>Challenging</b>	44.9
<b>Fair</b>	13.3
<b>Positive</b>	5.1
<b>Extremely positive</b>	2.0

<sup>3</sup> February 2016 data.

<sup>4</sup> ABS (Cat.6291.0.55.003 Labour Force, Australia, Detailed, Quarterly, Table 05. Employed persons by State, Territory and Industry division of main job (ANZSIC) – accessed online 13 April 2016.

Comments from respondents on their forecast operating environment over the next 12 months included:

*"The current downturn is expected to continue beyond 2017. The company is now looking at diversification and venturing into new market areas."*  
(maintenance, fabrication and manufacturing company)

*"The forecast is that it will only get worse in terms of the international market."*  
(smelting industry employer)

*"The inability to quickly or easily vary an enterprise bargaining agreement locks the industry into wages that are too high so they can no longer compete."* (commercial diving company)

## HOW WE REGULATE WORK IN AUSTRALIA IS CRITICALLY IMPORTANT

It is clear from responses to the AMMA 2016 Federal Election Survey that **workplace relations is one of the key challenges for doing business in Australia.**

Respondents were asked:

*Please rate the following impediments, with 1 being no impediment to the growth, development and prosperity of your organisation, and 4 being a large impediment.*

	No impediment (% of respondents)	Small impediment (% of respondents)	Moderate impediment (% of respondents)	Large impediment (% of respondents)
<b>Commodity prices</b>	3.1	8.1	20.4	68.4
<b>Pressures to reduce costs</b>	1.0	13.3	30.6	55.1
<b>Instability of demand for your products and services</b>	7.1	20.4	32.7	39.8
<b>Labour costs</b>	7.1	18.4	41.8	32.7
<b>Compliance costs / government regulation</b>	6.1	24.5	46.9	22.5
<b>Increased competition</b>	19.4	23.5	34.7	22.4
<b>Costs of inputs including energy costs</b>	14.3	27.5	38.8	19.4
<b>Level of taxation and royalties</b>	9.2	35.7	35.7	19.4
<b>Structuring employment arrangements to suit operational needs</b>	11.2	34.7	38.8	15.3
<b>Difficulties attracting finance / investment</b>	35.7	34.7	17.4	12.2
<b>Finding qualified / skilled labour</b>	32.7	46.9	13.3	7.1

Comments from respondents on their impediments to growth and prosperity included:

*“The fractured and isolated approach of individual government departments and agencies makes business continuity and progression difficult and cumbersome. We compete in an international market against competitors who are actually supported by government policies.” (mineral processing / smelting company)*

Respondents were then asked to agree or disagree on a series of statements about Australia's current workplace relations environment...

*The current workplace relations system creates barriers to employment*

	<b>% of respondents</b>
<b>Strongly disagree</b>	1.0
<b>Disagree</b>	12.5
<b>Neither agree nor disagree</b>	22.9
<b>Agree</b>	41.7
<b>Strongly agree</b>	21.9

*The current workplace relations system makes it difficult for your organisation to respond to changing market conditions*

	<b>% of respondents</b>
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	7.3
<b>Neither agree nor disagree</b>	16.7
<b>Agree</b>	46.9
<b>Strongly agree</b>	29.1

*The current workplace relations system makes it difficult to compete globally*

	<b>% of respondents</b>
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	8.3
<b>Neither agree nor disagree</b>	19.8
<b>Agree</b>	32.3
<b>Strongly agree</b>	38.5

The current workplace relations system encourages genuine bargaining that meets the needs of both employers and employees

	% of respondents
<b>Strongly disagree</b>	19.8
<b>Disagree</b>	43.7
<b>Neither agree nor disagree</b>	29.2
<b>Agree</b>	5.2
<b>Strongly agree</b>	2.1

The current workplace relations system provides confidence to invest in new projects and expand existing ones

	% of respondents
<b>Strongly disagree</b>	15.6
<b>Disagree</b>	49.0
<b>Neither agree nor disagree</b>	29.1
<b>Agree</b>	4.2
<b>Strongly agree</b>	2.1

The current workplace relations system reflects the modern Australian economy

	% of respondents
<b>Strongly disagree</b>	26.0
<b>Disagree</b>	46.9
<b>Neither agree nor disagree</b>	21.9
<b>Agree</b>	5.2
<b>Strongly agree</b>	0.0

Comments from respondents in relation to the current workplace relations environment included:

*“Bargaining is slanted too heavily in favour of employees / unions. Ultimately, an employer has no choice whether to bargain or not – that decision rests with employees. This makes a nonsense of bargaining being genuine. Bargaining pays little attention to the realities of small business. It remains an*

*effort to extract as much as possible. Industrial action for matters other than safety should not be permitted. It is industrial vandalism otherwise. Industrial action can cause permanent damage to a business, and unions could not care less.” (mineral processing / smelting company)*

*“The workplace relations system has allowed negotiations to be based on a lagging indicator as negotiations are, on the employee / union behalf, hinged on the resources boom level of employment demand. Now, wages are much higher than they would be if the resources boom had not occurred.” (oil and gas company)*

*“The current workplace relations system and the Australian economy are faltering.” (mineral processing company)*

*“Third party intervention stymies decision-making. Change is slow to achieve – there is nil workforce accountability to embrace change.” (non-metallic mineral mining and quarrying company)*

*“There is still too much red tape and prescription.” (services to mining company)*

*“Our current workplace relations environment encourages combative behaviour (us v them mentality) and panders to special interest groups. It encourages people and those groups to act in their own vested interests with no thought or recourse to the bigger picture.” (commercial diving firm)*

## WORKPLACE REFORM MUST BE A PRIORITY

Companies throughout all facets of Australia's resource industry were then asked their views on key legislative reforms that will come before Federal Parliament during April/May 2016.

Resource employers indicated very strongly that the Parliament should **pass the ABCC and registered organisations reforms as a matter of urgency**.

Respondents were asked:

*Thinking about legislation before the federal parliament, do you agree or disagree with the following statements?*

### **The Federal Parliament should as a matter of priority...**

*Restore the building industry watchdog, the Australian Building & Construction Commission (ABCC)*

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	0.0
<b>Neither agree nor disagree</b>	18.1
<b>Agree</b>	33.0
<b>Strongly agree</b>	48.9

*Create a new Registered Organisations Commission (ROC) to more effectively regulate registered trade unions and employer organisations*

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	0.0
<b>Neither agree nor disagree</b>	20.4
<b>Agree</b>	36.4
<b>Strongly agree</b>	43.2

*Make it easier for businesses to withdraw from multiple state workers' comp schemes and move into the federal Comcare self-insurance scheme*

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	22.8
<b>Agree</b>	30.7
<b>Strongly agree</b>	44.3

Resource employers were then asked their **priorities for Australia's next government**.

*We are shortly to have the 2016 federal election. Thinking about the priorities of the next Australian government, do you agree or disagree with the following statements?*

*The next Australian government should as a matter of priority ...*

**Implement the Productivity Commission's recommendations** that will improve productivity and flexibility at Australian workplaces and better support AMMA members in creating jobs

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	8.0
<b>Agree</b>	53.4
<b>Strongly agree</b>	37.5

**Reform the Fair Work Act** beyond the Productivity Commission's recommendations to increase flexibility and productivity

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	10.2
<b>Agree</b>	42.1
<b>Strongly agree</b>	45.5



Reintroduce **options for employers to enter into collective agreements directly with employees** without the need for a union party

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	8.0
<b>Agree</b>	27.3
<b>Strongly agree</b>	62.5

Introduce a genuine statutory **individual agreement making option**

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	2.3
<b>Neither agree nor disagree</b>	15.9
<b>Agree</b>	37.5
<b>Strongly agree</b>	43.2

As one respondent to the survey said:

*“The capacity for individual and flexible agreement making is a must.”*  
(metalliferous mining company)

In lieu of introducing a statutory **individual agreement** making option for everyone, allow it **for high income employees**

	% of respondents
<b>Strongly disagree</b>	2.3
<b>Disagree</b>	5.7
<b>Neither agree nor disagree</b>	19.3
<b>Agree</b>	35.2
<b>Strongly agree</b>	37.5

Allow **high income employees greater freedom** to tailor wages and conditions directly with their employers

	% of respondents
<b>Strongly disagree</b>	3.4
<b>Disagree</b>	0.0
<b>Neither agree nor disagree</b>	12.4
<b>Agree</b>	42.1
<b>Strongly agree</b>	42.1

**Phase out modern awards** for high income earners in the resource industry

	% of respondents
<b>Strongly disagree</b>	3.4
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	22.7
<b>Agree</b>	27.3
<b>Strongly agree</b>	45.5

Ensure unions are either covered by an existing enterprise agreement or negotiating one in order to enter workplaces to hold discussions (**union entry**)

	% of respondents
<b>Strongly disagree</b>	2.3
<b>Disagree</b>	3.4
<b>Neither agree nor disagree</b>	18.2
<b>Agree</b>	31.8
<b>Strongly agree</b>	44.3

Create an enforceable code of conduct covering union officials whilst onsite  
(**union entry**)

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	0.0
<b>Neither agree nor disagree</b>	5.7
<b>Agree</b>	44.3
<b>Strongly agree</b>	50.0

Require untaken **annual leave on termination** to be paid at the base rate unless an industrial instrument expressly provides for leave loading to be paid on termination

	% of respondents
<b>Strongly disagree</b>	3.4
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	22.8
<b>Agree</b>	30.7
<b>Strongly agree</b>	42.0

Ensure **amalgamations between trade unions** are subject to greater scrutiny and only proceed if they are in the national interest and pass a "public interest" test

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	1.1
<b>Neither agree nor disagree</b>	12.5
<b>Agree</b>	35.2
<b>Strongly agree</b>	51.2

Establish a dedicated **Resource Industry Council** which would consider the input of industry representatives on key policy issues

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	2.3
<b>Neither agree nor disagree</b>	23.9
<b>Agree</b>	45.4
<b>Strongly agree</b>	27.3

## ENTERPRISE BARGAINING IS NOT WORKING AS INTENDED

Critically important to our workplace relations system and its capacity to deliver what our nation, workplaces, employers and employees need is the process of enterprise bargaining.

During enterprise bargaining, employers and employees, often with the involvement of trade unions, negotiate agreements on terms and conditions for employees that apply to specific workplaces in place of the default award and legislative safety net.

For more than 20 years, under both Coalition and Labor governments, enterprise agreements have been identified as one of the central drivers of Australia's productivity and competitiveness.

However, it is increasingly clear, and has been for some time, that our current rules and processes for enterprise bargaining are not working as intended, and that the regulation of enterprise bargaining under the current *Fair Work Act 2009* should be a priority for reform by the next Australian government.

AMMA 2016 Federal Election Survey posed a number of questions on enterprise bargaining:

*Does your organisation work under an enterprise agreement made under the Fair Work Act 2009, or negotiate with trade unions on terms and conditions of employment for your employees or potential employees? (Note: organisations operating entirely on common law contracts should answer 'no' to this question).*

	% of respondents
<b>Yes</b>	74.0
<b>No</b>	26.0

The remainder of questions in this section were only answered by those who answered "yes" to the above question.

*How much of a concern are the following enterprise agreement issues for your organisation?*

*Scope, volume and affordability of trade union bargaining claims*

	% of respondents
<b>No concern</b>	9.9
<b>Minor concern</b>	14.1
<b>Moderate concern</b>	40.8
<b>Major concern</b>	35.2

*Union opposition to changing existing terms and conditions in enterprise agreements*

	<b>% of respondents</b>
<b>No concern</b>	11.3
<b>Minor concern</b>	15.5
<b>Moderate concern</b>	19.7
<b>Major concern</b>	53.5

*Unions seeking terms in enterprise agreements that do not pertain to the direct employment relationship*

	<b>% of respondents</b>
<b>No concern</b>	11.3
<b>Minor concern</b>	16.9
<b>Moderate concern</b>	29.6
<b>Major concern</b>	42.2

*Unions seeking terms in enterprise agreements restricting the use of contractors, casuals or labour hire*

	<b>% of respondents</b>
<b>No concern</b>	16.9
<b>Minor concern</b>	12.7
<b>Moderate concern</b>	26.8
<b>Major concern</b>	43.6

Survey respondents were then asked:

*How much of a concern are the following enterprise bargaining issues for your organisation?*

*Unions seeking to take protected industrial action before bargaining has been exhausted*

	<b>% of respondents</b>
<b>No concern</b>	17.4
<b>Minor concern</b>	23.2
<b>Moderate concern</b>	30.4
<b>Major concern</b>	29.0

*Unions not bargaining in good faith*

	<b>% of respondents</b>
<b>No concern</b>	13.1
<b>Minor concern</b>	24.6
<b>Moderate concern</b>	24.6
<b>Major concern</b>	37.7

*Unions misrepresenting the views of members during enterprise bargaining negotiations*

	<b>% of respondents</b>
<b>No concern</b>	11.6
<b>Minor concern</b>	8.7
<b>Moderate concern</b>	40.6
<b>Major concern</b>	39.1

*Unions misrepresenting employer offers during enterprise bargaining negotiations*

	<b>% of respondents</b>
<b>No concern</b>	15.9
<b>Minor concern</b>	8.7
<b>Moderate concern</b>	34.8
<b>Major concern</b>	40.6

*Unions refusing to moderate claims during bargaining*

	<b>% of respondents</b>
<b>No concern</b>	11.6
<b>Minor concern</b>	17.4
<b>Moderate concern</b>	27.5
<b>Major concern</b>	43.5

*Unions seeking excessive increases in wages or conditions without improvements in productivity or efficiency*

	<b>% of respondents</b>
<b>No concern</b>	13.1
<b>Minor concern</b>	10.1
<b>Moderate concern</b>	10.1
<b>Major concern</b>	66.7

Comments from respondents in relation to enterprise bargaining included:

*“Unions have disproportionate influence in agreement making given membership is about 10% of the workforce. It is inappropriate that unions have a default position in bargaining. The low membership should mean that unions have to be expressly invited.”* (employer in the metalliferous mining sector)

*“Unions’ attitude appears to be that even if you become too expensive and another contractor is awarded your work, the union will still have these new members.”* (offshore construction company)

*“Unions represent only a proportion of the workforce yet have a disproportionately high impact on enterprise agreement negotiation outcomes, which are not aligned to employer objectives.”* (non-metallic mineral mining and quarrying company)



## NEW PROJECTS NEED NAVIGABLE WORKPLACE ARRANGEMENTS

It has long been recognised that new developments / new projects require dedicated arrangements, driven in substantial part by:

- Where no-one has been hired, there being no workforce to approve the collective terms and conditions under which they will work.
- Employers building and seeking to operate new developments needing certainty on employment arrangements, including to satisfy investors. Certainty is needed both on what the terms and conditions will be for a new resource development, and to ensure that work can commence and proceed without the risk of union-initiated strike action in pursuit of an enterprise agreement. Some form of agreement needs to be in place, notwithstanding that no employees have been hired.

Both the Coalition and Labor have long recognised that there needs to be a process to secure a “greenfields agreement” that will provide the certainty employers need and ensure employees are paid in excess of the safety net of award and legislated minimums.

However, it is clear from employers operating in the resource industry - the major users of greenfields agreements - that there are considerable problems with the current greenfields arrangements put in place by the previous Rudd/Gillard government.

Resource employers were asked:

*Under the Fair Work Act, have you attempted to negotiate a greenfields agreement with a trade union or have you considered doing so?*

	% of respondents
<b>Yes</b>	33.7
<b>No</b>	66.3

The remainder of questions in this section were answered only by those who answered “yes” to the above question (i.e. those who have used or tried to use greenfields agreements under the current *Fair Work Act 2009*).

Thinking about your organisation's experience in relation to greenfields agreements under the Fair Work Act, how much of a concern are the following issues for your organisation?

*Lack of certainty in securing an agreement using the current greenfields rules*

	<b>% of respondents</b>
<b>No concern</b>	15.6
<b>Minor concern</b>	3.1
<b>Moderate concern</b>	53.2
<b>Major concern</b>	28.1

*The need to concede to union demands to ensure a greenfields arrangement is in place before work commences*

	<b>% of respondents</b>
<b>No concern</b>	9.4
<b>Minor concern</b>	12.5
<b>Moderate concern</b>	12.5
<b>Major concern</b>	65.6

*Time taken to reach a greenfields agreement*

	<b>% of respondents</b>
<b>No concern</b>	15.6
<b>Minor concern</b>	9.4
<b>Moderate concern</b>	21.9
<b>Major concern</b>	53.1

Lack of options where a union refuses to progress negotiations on greenfields agreements

	% of respondents
<b>No concern</b>	9.4
<b>Minor concern</b>	12.5
<b>Moderate concern</b>	28.1
<b>Major concern</b>	50.0

As one respondent to the survey said:

*“Current greenfields arrangements encourage unions to use coercive power and force companies into arrangements which do not reflect industry best practice and generally provide greater power to the unions.*

*Companies who refuse to do this risk not having the agreement they may need at the time of transition into a new contract.” (onshore construction company)*



## INDIVIDUAL FLEXIBILITY REMAINS A CHALLENGE

Australia successfully allowed the option of individual agreement making for more than a decade, subject to strict protections against disadvantage, and against coercion to enter into such agreements.

Notwithstanding debates in the lead-up to the 2007 federal election and the Rudd/Gillard government's abolition of any option for statutory individual agreement making:

- More than a million individual agreements were successfully entered into prior to the changes of 2006.
- Individual agreements were widely used, and we would say most successfully used, in Australia's resource industry, in which they delivered high rates of pay and conditions, well in excess of the award safety net.

Any capacity to make a statutory individual agreement has been removed from our workplace relations legislation entirely. This occurred with insufficient consideration of how an alternative individual bargaining system could operate, and how we could craft a new option for individual bargaining that differs from previous approaches and meets arguments advanced to date against individual agreement making.

The lack of any option for statutory individual bargaining is a significant flaw in our workplace relations system, is a retreat from a proven and effective approach, and a significant bar to freedom of choice and self-determination for working Australians.

AMMA posed a number of questions to respondents on how individual agreement making could be approached in the future:

*Thinking of individual flexibility and the scope for your organisation to reach agreement on the application of terms and conditions of employment and hours of work with individual employees, how much of a concern are the following for your organisation?*

*Inability to engage directly with individual employees over terms and conditions*

	% of respondents
<b>No concern</b>	31.9
<b>Minor concern</b>	31.9
<b>Moderate concern</b>	21.3
<b>Major concern</b>	14.9

Capacity under the Fair Work Act to address employee requests for flexibility to balance work and family and carer needs

	% of respondents
<b>No concern</b>	25.5
<b>Minor concern</b>	47.9
<b>Moderate concern</b>	23.4
<b>Major concern</b>	3.2

Capacity under the Fair Work Act to address changing operational needs of the organisation, ie to meet unexpected demand or requirements

	% of respondents
<b>No concern</b>	17.0
<b>Minor concern</b>	26.6
<b>Moderate concern</b>	33.0
<b>Major concern</b>	23.4

The lack of any option for statutory individual agreement making

	% of respondents
<b>No concern</b>	29.8
<b>Minor concern</b>	22.3
<b>Moderate concern</b>	20.2
<b>Major concern</b>	27.7

The utility of Individual Flexibility Arrangements (IFAs) in their current form under the Fair Work Act

	% of respondents
<b>No concern</b>	34.0
<b>Minor concern</b>	23.4
<b>Moderate concern</b>	26.6
<b>Major concern</b>	16.0

*Enterprise agreements limiting the matters that can be agreed with individuals under an IFA*

	<b>% of respondents</b>
<b>No concern</b>	29.8
<b>Minor concern</b>	21.3
<b>Moderate concern</b>	35.1
<b>Major concern</b>	13.8

Respondent comments to the survey in this regard included:

*“Individual flexibility arrangements (IFAs) are complex and inadequate forms of individual contract-making.”* (oil and gas / hydrocarbons company)

*“Bargaining is required for enterprise agreements which then limits the matters that can be agreed with individuals under an IFA, which waters down the extent of IFAs where union bargaining agents are involved.”* (onshore and offshore construction company)





## UNION POWERS TO ENTER WORKPLACES MUST BE BALANCED

Trade unions have considerable powers to enter Australian workplaces without the permission or agreement of employers / the property holder who otherwise control who comes onto their property.

These powers for union officials (called right of entry in our workplace relations legislation) do not require a warrant. In this respect they exceed the powers of law enforcement officials and many other inspectors.

These "right of entry" powers were described in the final report<sup>5</sup> of the Heydon Royal Commission as follows:

*Rights of entry make lawful what would otherwise be a trespass. They effect a significant erosion of common law rights. Those common law rights have a very long lineage. Statutory rights of entry do not...*

Turing to reforming union entry powers, the Royal Commissioner observed:

*The rights of entry schemes are statutory privileges conferred on unions and their officials for the benefit of union members. These rights are not in any sense immutable, but rather the opposite. Proposals to reform them should be seen in this context. There is much to be said for the abolition of rights of entry, if only because they give such great powers against private landowners, and because they have been so widely abused...*

There is indeed much to be said for the abolition of union powers to compel entry onto employers' private property, both as a consequence of the abuse of these powers and the change in employees' means of access to advice and representation from trade unions.

However, that is not the current position of resource employers. Rather, employers have argued to restore balance to the powers of union officials to enter Australian workplaces, and to introduce more suitable controls and procedures that allow unions to do their work whilst not damaging businesses or disrupting the process of work.

On this basis, resource employers were asked a number of questions in the survey on union powers to enter workplaces (right of entry):

---

<sup>5</sup> Royal Commission into Trade Union Governance and Corruption (2015) Final Report, Volume 5, pp.581-582, <https://www.tradeunionroyalcommission.gov.au/reports/Documents/Final-Report/Volume-5/Final-Report-Volume-5.pdf>

*Under the Fair Work Act since 1 July 2009, have trade union officials visited your worksites to meet with their members and other employees who may be eligible for union membership?*

	<b>% of respondents</b>
<b>Yes</b>	69.5
<b>No</b>	30.5

The remainder of questions in this section were only answered by those who answered “yes” to the above question.

*Thinking about unions entering your workplaces to meet with employees, how much of a concern are the following union right of entry / union site access issues for your organisation?*

*Difficulty interpreting union eligibility rules to determine union entry rights*

	<b>% of respondents</b>
<b>No concern</b>	21.2
<b>Minor concern</b>	25.8
<b>Moderate concern</b>	36.3
<b>Major concern</b>	16.7

*Frequency of union visits*

	<b>% of respondents</b>
<b>No concern</b>	21.2
<b>Minor concern</b>	33.3
<b>Moderate concern</b>	33.3
<b>Major concern</b>	12.2

*Too many permit holders seeking entry at the same time*

	<b>% of respondents</b>
<b>No concern</b>	39.4
<b>Minor concern</b>	39.4
<b>Moderate concern</b>	12.1
<b>Major concern</b>	9.1

*Unions insisting on lunch room / meal room access for discussions*

	<b>% of respondents</b>
<b>No concern</b>	16.7
<b>Minor concern</b>	27.3
<b>Moderate concern</b>	34.8
<b>Major concern</b>	21.2

*Obligations to provide transport and accommodation for unions visiting remote sites*

	<b>% of respondents</b>
<b>No concern</b>	30.3
<b>Minor concern</b>	21.2
<b>Moderate concern</b>	21.2
<b>Major concern</b>	27.3

*Misuse of entry rights whilst onsite (including using entry for collateral or related purposes)*

	<b>% of respondents</b>
<b>No concern</b>	22.7
<b>Minor concern</b>	28.8
<b>Moderate concern</b>	22.7
<b>Major concern</b>	25.8

*Complaints from employees about disruptions / union conduct*

	<b>% of respondents</b>
<b>No concern</b>	27.3
<b>Minor concern</b>	30.3
<b>Moderate concern</b>	28.8
<b>Major concern</b>	13.6

*Disruption to normal operations*

	<b>% of respondents</b>
<b>No concern</b>	13.6
<b>Minor concern</b>	40.9
<b>Moderate concern</b>	19.7
<b>Major concern</b>	25.8

*Costs of facilitating entry (including chaperoning and transport costs)*

	<b>% of respondents</b>
<b>No concern</b>	13.9
<b>Minor concern</b>	38.5
<b>Moderate concern</b>	26.1
<b>Major concern</b>	21.5

*Unions using entry under work health and safety laws where their true purpose is pursuing industrial objectives*

	<b>% of respondents</b>
<b>No concern</b>	22.7
<b>Minor concern</b>	25.8
<b>Moderate concern</b>	13.6
<b>Major concern</b>	37.9

## INCOMING EMPLOYERS NEED BETTER INCENTIVES TO RETAIN STAFF

The current *Fair Work Act 2009* provides various rules and obligations for employers purchasing businesses or parts of businesses. Principal amongst those obligations is that where a business is transferred from one employer to another, an award, agreement, or another type of 'transferable instrument' follows the transfer and becomes binding on the new employer<sup>6</sup>.

Employers have been concerned for some time that obligations to take on obligations of the preceding employer (particularly the former employer's enterprise agreement) creates additional costs and considerable additional administrative burdens that combine to provide a disincentive to hire any of the previous employees of the business changing hands.

Again, only those survey respondents to whom the transfer of business provisions of the Fair Work Act were relevant answered the following set of questions.

*Thinking about the rules for transfer of business under the Fair Work Act, how much do you agree or disagree with the following statements?*

*Our organisation would take on more of the staff of operations we acquire if we could employ them on our own existing terms and conditions*

	% of respondents
<b>Strongly disagree</b>	6.2
<b>Disagree</b>	4.6
<b>Neither agree nor disagree</b>	41.5
<b>Agree</b>	24.6
<b>Strongly agree</b>	23.1

*Industrial disharmony has arisen from having different sets of working conditions onsite (ie people doing similar work being paid differently)*

	% of respondents
<b>Strongly disagree</b>	9.5
<b>Disagree</b>	4.8
<b>Neither agree nor disagree</b>	39.6
<b>Agree</b>	28.6
<b>Strongly agree</b>	17.5

<sup>6</sup> See: <https://www.fairwork.gov.au/how-we-will-help/templates-and-guides/fact-sheets/rights-and-obligations/when-businesses-change-hands>

*The current transfer of business rules are a barrier to employment*

	<b>% of respondents</b>
<b>Strongly disagree</b>	10.0
<b>Disagree</b>	1.4
<b>Neither agree nor disagree</b>	44.3
<b>Agree</b>	21.4
<b>Strongly agree</b>	22.9

Comments from respondents re transfer of business included:

*"The transfer of business provisions are too broad and are not reflective of modern businesses." (onshore construction company)*

*"Our prime concern is changing from one contractor to another and the reluctance of a new contractor to engage knowledgeable and competent personnel from the previous contractor due to the requirement to transfer the old industrial instrument." (oil and gas / hydrocarbons company)*

*"If our organisation were to acquire additional operations, the current transfer of business rules would be a significant concern for our organisation." (offshore construction company)*

## THE FAIR WORK COMMISSION MUST BE REFORMED

The Fair Work Commission (FWC) is central to the application of our workplace relations system to the operations of Australia's resource employers. Far from declining in relevance, the FWC has been deliberately dealt back into the centre of the operation of our workplace relations system, and is busier than ever in many respects including processes requiring employers to engage with the FWC.

On this basis, AMMA members were surveyed on their interactions and experiences with the FWC:

*Many AMMA members across the resource industry are users of the Fair Work Commission (FWC). This includes agreement approvals, dealing with disputes and addressing claims from individual employees. Thinking about the future operation of the FWC and opportunities for reform following the 2016 federal election, do you agree or disagree with the following statements?*

### **The next Australian government should as a matter of priority ...**

*Review the structure of the FWC to ensure it is a modern institution capable of dealing with changes in the Australian economy and labour market*

	% of respondents
<b>Strongly disagree</b>	1.1
<b>Disagree</b>	0.0
<b>Neither agree nor disagree</b>	11.4
<b>Agree</b>	46.6
<b>Strongly agree</b>	40.9

*Create a new and separate appeals body to determine all appeals from FWC decisions*

	% of respondents
<b>Strongly disagree</b>	2.3
<b>Disagree</b>	7.9
<b>Neither agree nor disagree</b>	32.9
<b>Agree</b>	29.6
<b>Strongly agree</b>	27.3

*Promote the use of Alternative Dispute Resolution (ADR) for workplace disputes including mechanisms outside the FWC*

	% of respondents
<b>Strongly disagree</b>	0.0
<b>Disagree</b>	3.4
<b>Neither agree nor disagree</b>	22.7
<b>Agree</b>	48.9
<b>Strongly agree</b>	25.0

*Create a new body outside the FWC to provide expert impartial services for individual workplace disputes*

	% of respondents
<b>Strongly disagree</b>	2.3
<b>Disagree</b>	9.1
<b>Neither agree nor disagree</b>	31.8
<b>Agree</b>	38.6
<b>Strongly agree</b>	18.2

*Better promote enterprise bargaining for workers who are not represented by unions*

	% of respondents
<b>Strongly disagree</b>	2.3
<b>Disagree</b>	4.5
<b>Neither agree nor disagree</b>	28.4
<b>Agree</b>	39.8
<b>Strongly agree</b>	25.0

Comments from respondents in this regard included:

*"The industry in which we operate has changed considerably while the labour institutions and regulatory framework has been very slow to respond. The pace of change will continue and it is apparent that unless we modernise our labour relations in Australia we will not be an attractive investment option and, importantly, innovation and growth in our economy will be stifled."* (metalliferous mining company)



## UNFAIR DISMISSAL PROCESSES NEED REFINEMENT

Australia has had a national unfair dismissal regime for more than 20 years. In making the most recent set of changes to the system for pursuing those claims, then Deputy Prime Minister Julia Gillard promised a simpler, clearer, more consistent system that would reduce pressure on employers to pay “go away” money to settle claims on commercial grounds even where the employer was in the right.

Resource employers were surveyed upon a number of issues in the operation of the national unfair dismissal system:

*Have you received any unfair dismissal claims under the Fair Work Act since 1 July 2009?*

	% of respondents
<b>Yes</b>	65.3
<b>No</b>	34.7

The remainder of questions in this section were only answered by those who answered “yes” to the above question.

*Thinking about the unfair dismissal claims you have received, how much of a concern have the following issues been for your organisation?*

*The number of unfair dismissal claims from former employees*

	% of respondents
<b>No concern</b>	17.7
<b>Minor concern</b>	40.3
<b>Moderate concern</b>	35.5
<b>Major concern</b>	6.5

*Former employees making speculative claims even where those claims lack merit*

	% of respondents
<b>No concern</b>	9.7
<b>Minor concern</b>	21.0
<b>Moderate concern</b>	29.0
<b>Major concern</b>	40.3

*Having to make commercial judgements to settle claims (pay money) where the termination was appropriate and the employee's claim lacks merit*

	<b>% of respondents</b>
<b>No concern</b>	4.8
<b>Minor concern</b>	22.6
<b>Moderate concern</b>	25.8
<b>Major concern</b>	46.8

*The prospect of claims making it harder to terminate employment where it is warranted on the basis of an employee's performance or conduct*

	<b>% of respondents</b>
<b>No concern</b>	12.9
<b>Minor concern</b>	21.0
<b>Moderate concern</b>	32.3
<b>Major concern</b>	33.8

*The risk of having to reinstate employees terminated for gross misconduct or serious safety breaches*

	<b>% of respondents</b>
<b>No concern</b>	12.9
<b>Minor concern</b>	22.6
<b>Moderate concern</b>	27.4
<b>Major concern</b>	37.1

Comments from respondents in relation to unfair dismissal included:

*"The Fair Work Act is not fair on the employer. We have experienced claims where the former employee has had to provide very little evidence to support their claim. In each case, we were seen to have applied the appropriate procedures yet still had to negotiate and pay settlement amounts 'to make the matter go away'. Our concern is the potential increase in unsubstantiated claims as the word gets around that by lodging a complaint there will be an expectation of receiving a payout." (mineral processing company)*

*“There are significant resources / time / cost in preparation and defence of claims, many of which are dropped once the evidence has been provided at the Fair Work Commission. However, even when these claims have been withdrawn the expense is still required to be absorbed by the company.”* (offshore construction company)

*“We have settled most claims because the cost of arbitration is too high ...”* (metalliferous mining company)

*“There should be an easier way for claims to be dismissed when they are lacking in substance. The risk of a baseless claim does not deter us from making termination decisions.”* (services to mining company)

### **Adverse action / general protections**

Closely linked to unfair dismissal, the Fair Work Act also contains prohibitions on terminating employment or taking other ‘adverse actions’ against employees on a number of prohibited grounds.

These are generally long standing and fundamental protections that employers strongly support (i.e. not sacking people when sick, pregnant, on the basis of union membership) but how they are operationalised changed in 2009 and the new system increases employer liabilities and potential costs, creating large new areas of risk.

Survey respondents answered a number of questions in this area:

*Under the Fair Work Act, have you received any adverse action / general protections claims from former employees?*

	<b>% of respondents</b>
<b>Yes</b>	37.9
<b>No</b>	62.1

The remainder of questions in this section were only answered by those who answered “yes” to the above question.

*Thinking about the adverse action / general protections claims you have received from employees who have been dismissed, how much of a concern are the following issues to your organisation?*

The number of claims received from former employees following termination of employment

	% of respondents
<b>No concern</b>	19.4
<b>Minor concern</b>	38.9
<b>Moderate concern</b>	27.8
<b>Major concern</b>	13.9

Former employees making speculative claims that lack merit

	% of respondents
<b>No concern</b>	8.3
<b>Minor concern</b>	19.5
<b>Moderate concern</b>	25.0
<b>Major concern</b>	47.2

Having to make commercial judgements to settle claims even where the action taken was correct and the claim lacks merit

	% of respondents
<b>No concern</b>	2.8
<b>Minor concern</b>	33.3
<b>Moderate concern</b>	19.4
<b>Major concern</b>	44.5

The prospect of claims making it more difficult to terminate employment over employee performance or conduct

	% of respondents
<b>No concern</b>	8.3
<b>Minor concern</b>	19.5
<b>Moderate concern</b>	33.3
<b>Major concern</b>	38.9

*Legal costs of defending adverse action / general protections claims*

	<b>% of respondents</b>
<b>No concern</b>	5.6
<b>Minor concern</b>	13.9
<b>Moderate concern</b>	22.2
<b>Major concern</b>	58.3

*Unions making adverse action / general protections applications rather than employees*

	<b>% of respondents</b>
<b>No concern</b>	16.7
<b>Minor concern</b>	25.0
<b>Moderate concern</b>	19.4
<b>Major concern</b>	38.9

Comments from respondents in this regard included:

*"The general protections provisions are flawed in many respects including the non-requirement for substantiation of the alleged prohibited reason, the onus of proof and the non-limit on compensation." (onshore construction company)*

*"There has been an increase in general protections claims in our organisation. Again, there needs to be an easier way for claims that are obviously lacking in any substance to be dismissed on the papers." (services to mining company)*



## A LONG WAY TO GO ON SUPERANNUATION CHOICE

Superannuation choice is a topical issue that AMMA decided to include in the AMMA 2016 Federal Election Survey based on plans by the Turnbull government to ensure a wider range of employees can exercise choice as to the fund their superannuation contributions are directed to, and to ensure unions cannot use collective (enterprise) bargaining to extinguish the rights of individual employees to choose.

Survey respondents were asked *How much of a concern are the following superannuation issues for your organisation?*

*Any future increases in the compulsory super guarantee levy (currently 9.5%)*

	% of respondents
<b>No concern</b>	18.4
<b>Minor concern</b>	34.5
<b>Moderate concern</b>	28.7
<b>Major concern</b>	18.4

*Unions seeking increases to super in bargaining without any offsets to other claims, conditions or work practices*

	% of respondents
<b>No concern</b>	16.1
<b>Minor concern</b>	8.1
<b>Moderate concern</b>	29.9
<b>Major concern</b>	45.9

*Do you agree or disagree with the following statements on superannuation?*

*The government should allow individual choice of super fund even where an enterprise agreement specifies a fund*

	% of respondents
<b>Strongly disagree</b>	1.2
<b>Disagree</b>	1.2
<b>Neither agree nor disagree</b>	8.0
<b>Agree</b>	37.9
<b>Strongly agree</b>	51.7

*An employer should be able to pay contributions into any complying super fund, not just the default fund in a modern award*

	<b>% of respondents</b>
<b>Strongly disagree</b>	1.2
<b>Disagree</b>	1.2
<b>Neither agree nor disagree</b>	5.7
<b>Agree</b>	35.6
<b>Strongly agree</b>	56.3

*Unions should not be able to insist on the fund for super contributions in an enterprise agreement or modern award*

	<b>% of respondents</b>
<b>Strongly disagree</b>	1.2
<b>Disagree</b>	2.3
<b>Neither agree nor disagree</b>	3.5
<b>Agree</b>	21.8
<b>Strongly agree</b>	71.2

Comments from respondents in this regard included:

*"Already companies are paying inflated wages and benefits due to trade unions' scare campaigns. Increasing the superannuation contribution beyond 9.5% will represent an added cost that would prevent smaller companies from being able to compete thus increasing costs." (mineral exploration company)*

*"Restrictive clauses within the superannuation section of enterprise bargaining agreements are a major concern to our business and the freedom of choice within the greater sector which is leading to lower levels of productivity." (services to mining company)*



## APPENDIX 1: ABOUT THE SURVEY

The AMMA 2016 Federal Election Survey was administered using Survey Monkey. AMMA members were invited to participate via email and through direct contact with AMMA staff.

The survey opened on 17 March 2016 and closed on 8 April 2016.

The total number of responses was 108.

**Subsectors:** A diverse range of organisations responded, from every sub-sector of the resource industry, including businesses operating in the following subsectors:

Oil and gas / hydrocarbons

Metalliferous mining

Construction (onshore)

Maintenance, fabrication and manufacturing

Mineral processing / smelting

Coal mining

Maritime (offshore)

Non-metallic mineral mining and quarrying

Mineral exploration

Drilling

Services, ie catering, accommodation, equipment supply, security

Maritime (onshore)

Construction (offshore)

**Business Size:** Responses by business size were as follows:

- |  |        |
|--|--------|
| - Less than 20 employees (small business):             | 14.81% |
| - Between 20 and 199 employees (medium-sized business) | 25.93% |
| - 200 or more employees (large business)               | 59.26% |

**Employment:** The 108 survey respondents employ an estimated 85,000 employees, which is more than a third of Australia's national resource industry (223,200).