



INFRASTRUCTURE, PLANNING AND NATURAL RESOURCES COMMITTEE

Members present:

Mr J Pearce MP (Chair)
Mr CD Crawford MP
Mrs AM Leahy MP
Mrs BL Lauga MP
Dr MA Robinson MP

Staff present:

Ms M Westcott (Acting Research Director)
Ms M Telford (Principal Research Officer)

PUBLIC BRIEFING—INQUIRY INTO THE STRONG AND SUSTAINABLE RESOURCE COMMUNITIES BILL 2016

TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, 30 NOVEMBER 2016

Brisbane

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Committee met at 9.33 am

CHAIR: I declare open the public briefing for the committee's examination of the Strong and Sustainable Resource Communities Bill 2016. Thank you for your attendance here today. I am Jim Pearce, member for Mirani and chair of the committee. The other committee members here with me today are Dr Mark Robinson, deputy chair and member for Cleveland; Ms Brittany Lauga, member for Keppel; Ms Ann Leahy, member for Warrego; and Mr Craig Crawford; member for Barron River.

These here today should note that these proceedings are being broadcast to the web and transcribed by Hansard. Media may be present so you may be filmed or photographed. The committee's proceedings are proceedings of the Queensland parliament and are subject to the standing rules and orders of the parliament. Witnesses should be guided by schedules 3 and 8 of the standing orders.

The aim of the briefing today is for the committee to gather preliminary information in relation to the bill. Before we commence, could you please switch off your mobile devices or put them on silent mode.

BELLAMY-McCOURT, Ms Anita, Manager, Land and Mines Policy, Department of Natural Resources and Mines

BROE, Mr Barry, Coordinator-General, Department of State Development

GRANT, Mr Matthew, Director, Office of the Coordinator-General, Department of State Development

HINRICHSEN, Mr Lyall, Executive Director, Land and Mines Policy, Department of Natural Resources and Mines

REES, Mr Marcus, Director, Land and Mines Policy, Department of Natural Resources and Mines

CHAIR: I welcome the representatives for today's public briefing. Does anyone wish to make an opening statement?

Mr Broe: Yes. Good morning, Mr Chair and members of the committee. Thank you very much for the opportunity to provide this briefing today on the Strong and Sustainable Resource Communities Bill. Officers from the Department of Natural Resources and Mines are here today also to answer any questions about amendments to the bill related to underground coal gasification. In this opening statement—and I will try to be brief to allow plenty of time for questions—I would like to cover the main scope issues in the bill, what it applies to and some of the more complex elements of the bill.

The objective of the bill is to ensure that residents of communities in the vicinity of large resource projects benefit from the operation of those projects. The bill, which supports the government's new strong and sustainable resource communities policy, has four key objectives: firstly, to prevent the future use of 100 per cent FIFO for operational workers on large resource projects near regional communities; secondly, to prohibit discrimination against locals during the recruitment processes of new workers on large resource projects and enable FIFO workers to move into the local community if they choose; thirdly, to prescribe the social impact assessment process for large resource projects; and, fourthly, to ensure that the social impact assessment of social impacts of resource projects are consistent under both the State Development and Public Works Organisation Act and the Environmental Protection Act.

Overall, the strong and sustainable resource communities policy framework aims to achieve four things—firstly, a more effective balance of workforce accommodation arrangements for each project; secondly, more community and stakeholder engagement; thirdly, effective local business and industry content; and, fourthly, enhancement of health and community wellbeing.

There are a few scope issues I would like to cover to explain how the bill applies and what it covers. Firstly, it applies to operational workers only. It applies to large resource projects—that is, those requiring an EIS. A resource project is defined under the Environmental Protection Act and includes primarily mining, gas and oil projects. It applies to projects that have a regional community with more than 200 people within 100 kilometres. The 100 per cent FIFO restriction only applies to future projects with an EIS not yet advertised. A FIFO worker is defined as someone who travels to their workplace from a place that is not a nearby regional community to work on the operational phase of the project. Finally, the anti-discrimination requirements apply to projects approved since 30 June 2009 but will only apply to future recruitment processes.

The bill contains some elements of flexibility to allow decisions to be made on the specific circumstances of each project to make sure that the bill's objectives are achieved and the best outcomes are achieved in each case. The Coordinator-General can decide whether construction workers are included in the definition of what the bill applies to. Secondly, the Coordinator-General can decide which projects and nearby regional communities are subject to the bill itself based on the circumstances of each situation.

To move on to consultation, we have conducted extensive consultation on the proposed bill and framework. The consultation included the draft policy together with the revised social impact assessment guideline and a summary of the proposed bill. Consultation has occurred with peak bodies, unions, resource companies, local governments and other government agencies. In addition, an exposure draft of the bill was released for stakeholder comment from 17 August to 5 September this year and formal submissions were received. I would like to thank all of those organisations which made a submission and helped get a good outcome. Consultation and engagement will be critical on each project, and the new social impact assessment guideline contains the provision for the establishment of cross-agency reference groups, if required to look at the cumulative impacts of projects across a region. That would include local government and all the key agencies involved in assessing and monitoring social impacts.

The social impact assessment guideline is specifically referenced in the bill. The guideline contains a range of administrative and procedural changes to resource project consultation, assessment, monitoring, reporting and compliance. Resource project proponents preparing a social impact assessment will be required by the bill to provide plans that address key elements such as workforce management, housing and accommodation, stakeholder engagement, local procurement and health and wellbeing. They would be required to address all those elements. The requirement for a workforce plan is critical and aimed at delivering the government's policy preference that proponents should prioritise local recruitment and provide choice for workers to live near where they want to work.

The bill will provide the Coordinator-General with a head of power to state approval conditions to manage social impacts for resource projects going through an EIS either under the State Development and Public Works Organisation Act or the Environmental Protection Act. This will allow a more comprehensive, integrated and consistent approach to the assessment of social impacts across projects.

The bill also includes amendments to the Anti-Discrimination Act 1991 to prohibit discrimination against locals during future recruitment processes for operational workers. These processes will apply to large resource projects that have completed an EIS since 30 June 2009 and would apply to new recruitment only. Also, it will become an offence to advertise positions in such a way that prohibits residents from nearby regional communities from applying for a job.

There will be significant penalties for noncompliance. For example, the prohibition of 100 per cent FIFO is a deemed enforceable condition under the State Development and Public Works Organisation Act. The maximum penalty for noncompliance with an enforceable condition is 1,665 penalty units, or approximately \$1 million for a corporation. In terms of implementation, the Department of State Development and the Department of Justice and Attorney-General have committed to undertaking a review of the act post implementation, if enacted.

The bill also includes amendments to the Mineral Resources Act 1989 to prohibit underground coal gasification, or UCG, and in situ oil shale gasification activities in Queensland. The Minister for State Development and Minister for Natural Resources and Mines announced earlier this year that amendments to give effect to the prohibition of UCG and in situ oil shale gasification activities would be introduced into the Legislative Assembly by the end of 2016.

Mr Chair, that concludes my opening statement. I went through it quickly to leave time for questions. I am very happy to take any questions of clarification.

CHAIR: Thank you very much. Mr Broe, this legislation has been fairly well received out there. I appreciate the work that you have put into it, but there are always issues. You referred to the legislation applying only to 100 per cent FIFO and applying only to future projects. I think that is an issue that we are going to have to deal with and we will see what happens out there in the community. Can you briefly explain why that could not be applied to the future employment of workers at Caval Ridge and Daunia?

Mr Broe: One issue with the 100 per cent FIFO requirement is that that is just one element of the overall framework. It works with the new guideline and it works with the anti-discrimination provisions which apply to new recruitment. They work together. It would have been very difficult to try to specify a target for each project such as Caval Ridge or Daunia. If it had been applied to previous projects that have an approved EIS and had their conditions all set, it probably would have been seen to be retrospective. It was probably considered not reasonable to try to mandate that on past projects. Nonetheless, the anti-discrimination provisions do apply to Caval Ridge and Daunia, for example, and projects approved since 30 June 2009.

For all future projects as they go through an EIS, the new guidelines and all of these requirements I think there will be a lot of levers and ability for the Coordinator-General with local government to try to get a better outcome and a better balance. For projects that are so far advanced that have already been approved, my opinion is that it probably would have been unreasonable to try to make that element retrospective.

The point you raised at the start is a very good one. A lot of work has been done. There has been a lot of input from industry. This is one issue where there have been a lot of different views—very polarised views from unions and local government as compared with industry. This is about trying to get the right balance that achieves the government objectives, still allows industry to develop their projects but also allows regional communities to benefit more from them.

CHAIR: The other issue that I think we are going to have to deal with is what we can do to find a better position than the 100-kilometre distance from a mine. That was always going to be a difficult issue for us. I know that there will be a fair bit of comment about that. I do not know whether you want to add anything or wait until we come back.

Mr Broe: It is an excellent question and one we grappled with a fair bit. The 100-kilometre distance is not meant to be a commuting distance. It is not meant to be the maximum distance you can commute from. It is meant to be what is considered a natural local catchment for a project. If a community is within 100 kilometres of a project, they would have a reasonable expectation of having an association with the project. Workers in a town of 200 people or more would have a reasonable expectation of getting some benefits from the project, such as being able to apply. It had to be a distance in the act because trying to specify a commuting time would be too difficult and subject to travel conditions. Again, some groups wanted it to be 200 kilometres. Some groups wanted it to be 50 kilometres. It is something that we will certainly monitor.

One key issue is that the Coordinator-General has flexibility to look at each case on its merits and determine whether there are towns just outside of that 100-kilometre distance that should be included. There might be a town within 105 kilometres that has 500 people and a history of workers that suits that particular project that could be included. It is not a perfect measure, but it is probably the best one to start with that we can work from.

CHAIR: I think one of the difficulties over the last couple of years has been that different mining companies have a different definition of 'local'. They release a media statement to say that local people will be employed but people living in South-East Queensland or Cairns are not necessarily local. I think that is another issue that we are going to have to deal with.

Mr Broe: It is a good point. The definition of 'local' and what people consider a local catchment might vary. People on the Gold Coast might not consider the Sunshine Coast as a local catchment even though they are within 100 kilometres. The key thing is that, for all future projects going through an EIS, there will be terms of reference now that will have all of these new provisions in it. We will have a lot of mechanisms to work with proponents to get the best outcomes and prioritise local employment as much as possible and work with them to get those outcomes before a decision is made and conditions set. I am hopeful. I have every expectation that proponents will want to do the right thing. It is not like they have an 80 per cent FIFO target. They still have a lot of scope to use FIFO. It is about trying to balance the FIFO requirements with local benefits.

CHAIR: When the minister brings the bill back to the House I think a lot of those things can be cleared up in his speech, because he can clarify a lot of positions and give more simple definitions of what it all means.

Mr Broe: Yes.

Dr ROBINSON: I did have the same question in terms of how hard and fast that 100-kilometre rule might be used, so it is good to have that clarification. I appreciate that you have to put something in the legislation. There may be a school of thought that says not to put anything in the legislation in terms of kilometres. I will leave that one for now for the sake of time—we may have other opportunities—to give others a chance to ask questions too.

In terms of interest and for the sake of transparency, I want to be up-front in saying that I have family members in Central Queensland who do work in mining and they travel backwards and forwards. How potentially do you balance a drive-in drive-out—it might be five or six hours—workforce out of Rockhampton and Mackay, places like that where there is a substantial potential mining workforce, with those who are more local within that 100-kilometre rule? How do you balance the interests of all of those different workers in this?

Mr Broe: The bill is aimed at making sure that the nearby regional communities within 100 kilometres have every opportunity. The anti-discrimination provisions apply to them. It is not prescriptive enough to say that on each project there should be a certain balance between drive-in drive-out or fly-in fly-out. Drive-in drive-out will have fatigue management issues as well. For someone driving for four or five hours every day to work and then driving home again, there would definitely be a fatigue management question there. There will still be rostering arrangements, for example, where a local worker may choose to stay in a camp for their time on roster.

Each project will go through its own assessment and have to do a workforce accommodation plan and look at a housing accommodation plan to identify its specific needs on each project and what it proposes for the workforce. They will have to consult with all of the key stakeholders on what they propose. There are no hard and fast rules about what the targets are, but each project now through the new guideline will have to go through a process of assessment, working out where they want to get their workers from, what they propose. It will have to be balanced in the assessment.

We have looked at which projects these new provisions might apply to. There are about 50 projects where there would be a nearby regional community, so we do capture quite a few nearby regional communities. With places like the Bowen Basin there are obvious ones. With the Galilee Basin it is a bit more problematic. We will look at each case on its merits. When the act is enacted, I would be required to nominate and put on the website what the regional communities are for each project. Proponents can put in submissions, as can local governments. It will be an open and transparent process of trying to work out for each project what is the best approach and the best mix. Ultimately, the principles in the legislation have to be met. The government's objectives have to be met and there have to be more benefits for local communities.

Dr ROBINSON: I think that is very important. I agree with the general sense of ensuring that local communities and local workers have opportunities. How would that work in terms of the advertising? If, say, a job is five hours driving time out of Mackay? Are you going to advertise in Brisbane, the local community itself and Mackay? How are you going to determine what a fair opportunity is for all of the workers involved?

Mr Broe: It will be up to the proponent in each case to work out where they will advertise, but there is a specific provision in the bill that precludes them from advertising in a way that discriminates against local workers. For example, if someone put an ad in the paper saying, 'Only FIFO workers need apply,' or 'You have to be prepared to drive five hours,' that would almost certainly not meet the requirements of the act. There is a specific provision in there with a penalty that says they cannot advertise in a way that prohibits locals from having an opportunity to apply for a job.

Mrs LAUGA: I am really pleased to see this bill come to the House. I think it was only you, Mr Chair, and I who were on the FIFO inquiry. I know that people in regional communities are going to be very pleased to see this bill. They already are very pleased to see this bill. My question is with respect to the number and size of projects that are going to be impacted by this bill.

Mr Broe: The Anti-Discrimination Act provision applies to projects that have been approved since 30 June 2009. There are probably about 40 to 50 projects potentially affected that have been through both a Coordinator-General's assessment or the DEHP. The 100 per cent FIFO requirement and the new social impact assessment only applies to projects that have not been advertised yet and done an EIS. There are fewer of them—probably 20 to 30. There are quite a number of projects.

One thing I am conscious of is that, if projects have sufficiently advanced through an evaluation, particularly the ones who have gone through the state development act and already done a social impact assessment like the Galilee mines, it is certainly not proposed that they start again. They have been through an approval. There are probably about 40 to 50 projects. The team are now looking at

mapping out each project and looking at where the regional communities are. We will be producing a map for each project. I will be required to publish on the website the owner of the project and which regional communities apply to each project after the act is enacted. They will be seeking input from proponents and local government as to whether they think the provisions should be relaxed, and I will use my discretion to nominate other towns.

Mrs LAUGA: Have you had any feedback from consultation on the bill to date at all?

Mr Broe: Yes. There has been extensive consultation. There are a lot of different views. Do you mean on the bill overall or on the issue that you just mentioned?

Mrs LAUGA: On the bill overall.

Mr Broe: Yes. There has been a lot of consultation. We consulted first on the framework and the policy. Then we consulted on the actual exposure draft of the bill itself. We got a lot of feedback—a lot of detailed submissions from unions, industry, local government. The minister's round table also met two or three times where everybody had an opportunity to chip in, present and talk. There are a lot of diverse views about the provisions. As you would expect, industry want something probably a little bit different to unions and local government. It is about trying to find something that balances out all of the conflicting views but achieves the government's objectives.

Mrs LAUGA: What are the industry's concerns exactly?

Mr Broe: One of the industry's concerns would be the question of retrospectivity for projects that have already been approved and have conditions, some of which have even been built but maybe not fully operational yet. It is a reasonable concern that they did not want it to apply to past projects and those approved—they have approval; they have been financed; they are happening. Also, over a period of time the industry could see, with the two inquiries and even if you go back to the Red Hill evaluation, that this is where it was heading. The 100 per cent FIFO requirement, as I said, is that you just cannot have 100 per cent FIFO. It is not saying that you potentially cannot have something up to that if that meets the requirements of the project and the policy. There are different views. We tried to balance them all. You are also going to have public hearings. You will probably hear them again yourself.

Ms LEAHY: Mr Broe, I just wanted clarification. You mentioned that this is only in relation to operational workforces and it only applies to future project approvals, so there is no retrospectivity here at all.

Mr Broe: It only applies to future recruitment on projects that have been approved since 30 June 2009. For projects that have been approved since 30 June 2009, had an EIS approved, the Anti-Discrimination Act provision does apply in terms of recruitment but only for new workers. If a project has been approved, say, in 2010 and it has employed people and they are working, it does not apply to those recruitment processes. If they wanted to replace a worker after the act comes into place, it applies to future actions. Therefore, it is not retrospective in that way.

Ms LEAHY: How do you quantify a large resource project?

Mr Broe: A large resource project is defined as one requiring an EIS under either the Environmental Protection Act or the State Development and Public Works Organisation Act. It is a simple definition, but it generally includes the more complex projects—the bigger projects that have significant impacts, significant infrastructure requirements, for example. That is how a Coordinator-General project is defined. It is defined as one requiring an EIS.

Ms LEAHY: In relation to the 100 per cent FIFO workers, it has been put to me—and I will put it to you as well—that a company could locate one or two people or a small portion of people in a community and then basically have their camp outside of that community and they would satisfy the requirement that they are not 100 per cent FIFO. How would you deal with that situation? That is coming to me from some constituents who have concerns about that situation.

Mr Broe: My response to that is that the 100 per cent target is just one element of this overall bill. There is a bill that has Anti-Discrimination Act provisions in it. There is a very comprehensive social impact assessment and guideline that they have to follow. When they start an EIS, they will have terms of reference with very detailed provisions that they must follow. When they go through an EIS, it will become very transparent if they are not going to meet the principles, or they are not looking properly at workforce accommodation, not producing benefits for locals and not implementing the spirit of what is in this legislation, and any approval conditions can be set accordingly. It will be extremely difficult for someone to not meet the objectives of the act and not maximise benefits for locals through an EIS process and what happens at the other end of it. My response is that there is sufficient provision in the legislation in the way we implement it that will ensure that we achieve the objectives and that benefits for locals will be maximised.

Ms LEAHY: Quite often the social impact assessments are only there for a period of time, so they expire. What happens after the expiry of some of those things?

Mr Broe: All the social impact assessments I have done have to be updated and reviewed normally every year, so they are a living assessment and document. With the social impact assessment comes a set of mitigation measures in the EIS. Then a proponent has to implement them and report on them and monitor them. They will be required to update them if circumstances change. It should be the case—and is the case—that if ‘things have changed, they have to adjust’ and ‘maximise the opportunities’. They would be required to report and update it and make sure that the impacts are being mitigated and the opportunities are maximised on each project.

Ms LEAHY: However, sometimes in approvals those things have expiry dates. I am wondering what happens after that expiry date?

Mr Broe: I am not too sure what you are referring to in an expiry date. Do you mean the actual approval itself?

Ms LEAHY: Under some social impact assessments, yes. The period for social impact assessments under some projects expires after a certain period of time under some of the approvals.

Mr Broe: Certainly the intention here is that for all projects going through the EIS they would have to produce a social impact assessment and they would be required to report on the implementation of it and update it where necessary to keep up with changing circumstances and community change. That would certainly be the requirement. I take your point; what you are saying is the way it should happen; they should be updated. If a project is being built and operated over 10 years and things dramatically change, we should not have the same static social impact assessment I agree with you.

Mr CRAWFORD: I am interested in the provision regarding a population of 200. There are some comments in my note about the number of 200 coming from the ABS figures. Is that from the recent census? Would that be how that works?

Mr Broe: The ABS publish populations for localities, which is based on towns of 200 people or more and then there are higher up ones of 500. It is based on the ABS and it is updated regularly. Again, I would be required to publish on the website the list of towns or regions or communities that each project applies to. That is where it comes from; you are right, the ABS.

Mr CRAWFORD: We have seen in recent history over the last 10 or so years where small towns and regional areas have boom times and dying times. We have seen places like—obviously Moranbah is a good example and in WA places like Port Hedland and that sort of thing. Will this be able to capture the shift in these towns? What happens in a town when it has an explosion of population and there physically is not anywhere for people to live where we have miners camping in their cars and things like that? Is there flexibility within your judgement to take that into consideration?

Mr Broe: At any point in time there will be. The 200 threshold is a starting point for a nearby regional community. The larger towns you are mentioning would be captured anyway. Through the EIS assessment and the social impact assessment, proponents should be assessing the housing and accommodation capacity and the workforce needs and trying to predict what might happen. You will never be able to predict it perfectly, but there would be some provision in the monitoring to look at, ‘All of a sudden this town has now changed dramatically and gotten bigger. What are the opportunities there?’, and work with proponents to make sure they capture them. A lot of this is still going to come back to proponents doing the right thing and taking advantage of those opportunities. I think we have sufficient coverage in the bill to at least nominate the 200 plus as a starting point and the bigger towns would be captured anyway. The bigger towns you are mentioning would probably be going from a thousand to 5,000—boom and bust. They will always be in there and proposed laws will be expected to maximise local employment and procurement opportunities for those areas.

Mr CRAWFORD: Up in the cape where we have different communities—a very diverse range of communities—what happens if a proponent comes to you and says that they want to put a resource within 200 kilometres of one of these communities but they do not want their staff residing in that community, or that local community says, ‘We don’t want miners in our place. We’re happy the way it is’? What flexibility runs around that?

Mr Broe: Good question. During the EIS process there would be the mechanism to work that out. I would not just take the view of the proponent; I would be looking for views from the local community. Have they got the workers the project might need? What is the local government’s view? Just because it is outside the 100 kilometres does not necessarily mean that I could not define it as a nearby regional community. If the travel arrangements are appropriate or workers from there were

prepared to stay in a camp while they are rostered—I would not be expecting proponents to take such a view, but if they did, we would work it through with the EIS and try to get the best outcome again. If there are local workers in the community who are close enough to be able to travel and work on a project, they should be allowed the opportunity to do that. That benefits the project as well.

CHAIR: I want to go back to the 100 kilometres because that is an issue we are all struggling with—how do we deal with that? I speak especially with regard to the Bowen Basin where we have workers whose home might be on the Capricorn Coast or Rockhampton but they are working at a mine like Moranbah, which is certainly outside the 100 kilometres, and they may have been at that mine for years. That is always how the Bowen Basin coal industry has worked. I do not have an answer yet. It is going to be all about the wording when we get there. My point now is for you to take it on board because it is something we are going to have to work on. Rockhampton and Mackay are part of the Central Queensland economy and they rely so much on the people who work in the industry. Defining 100 kilometres is not easy but we have to be able to come up with an answer that is flexible and allows people in Mackay and Rockhampton to have an opportunity to continue working or apply at a mine where dad used to work or his brother or sister works. I think it is something we are going to have to look at.

Mr Broe: It is a good point. Through the communications and how we implement it I think we do need to make sure this is well understood and well implemented. The workers you are talking about sound to me like they would be classified as FIFO; they are commuting. They are getting to—

CHAIR: DIDO.

Mr Broe: Yes. Nothing would change for them because they will still be doing what they are doing now. It is about making sure that people who are within that 100 kilometres in a nearby region and community, which could be only 20 or 50 kilometres away such as in the cape and a couple of other places, are not discriminated against. It is certainly not aimed at trying to stop or change the provisions that have been working well, as you said, because they are effectively FIFO workers. The bill defines FIFO as someone who travels to their workplace from a place that is not a nearby regional community. There had to be a definition, but I agree with you in terms of how this all rolls out and people asking practical questions about what does it mean. We will have to do a lot of work and put the effort into working with people and explaining it and trying to get the best implementation of it.

Ms LEAHY: I have a question to the people who are here. In Western Australia they use a slightly different model rather than distance travelled. They actually say—and people have mentioned this to me—the prospective staff member of a company must actually show their rental notice or agreement or their rates notice that is dated six months prior to the position being advertised. They give those local people who fit that criteria the opportunity to apply first for those positions. I am wondering if there has been any consideration given to that. Obviously it seems to be working fairly well in Western Australia.

Mr Grant: As with a lot of these questions there is what should be in the bill and what should be in the social impact assessment guidelines. Some of these things are hard to define in black letter law. The social impact assessment guideline is very clear that there is a hierarchy of preference. This is not something we are going to enforce in a statutory sense because that would probably be impossible to do. That hierarchy of preference is locals then regional, which would encompass the coastal communities, and then elsewhere. There is nothing in the bill that says employ locals first but there is also nothing in the bill that says companies cannot choose, as some do, to employ locals first. In terms of compliance and monitoring, we would have no expectation of seeing people's rent notices or rates notices. That hierarchy is there and the definitions in the bill probably have gone as far as we can take them.

Mr Broe: Just to add to that, I think it is a very strong provision to build the anti-discrimination provision that if a local person who could easily prove he is local feels he has been discriminated against, he can lodge a claim with the Anti-Discrimination Commission. I think that is a very strong provision that meets the outcome of what you are talking about and making it clear that locals should be allowed to be employed and have a fair opportunity. I think that is a very strong provision of this bill.

Ms LEAHY: Mr Grant, can you please clarify something for me? You mentioned that the social impact assessment and provisions may not be enforceable. Can you give me a little bit more clarification around that? The act is obviously enforceable because it is the law, but the provisions in the social impact information may not be. Can you give me a bit of clarification around that?

Mr Grant: The guideline is enforceable. It is caught up by the bill. Under the EIS process, under either of the acts that the Coordinator-General has mentioned, social impact conditions can be set and those conditions are enforceable. The Coordinator-General mentioned regular reporting and

monitoring. The Coordinator-General has the head of power, if he or she so chooses, to require corrective actions if circumstances have changed or the workforce arrangement plans turn out to change because the circumstances of the industry have changed. So we have built in this flexibility of the boom and bust cycle, the upswing and the downswing. The requirement to undertake the assessment is enforceable but there has to be some flexibility. When I said 'not enforceable', I guess I was referring to that specific example you gave of showing a rates notice. The person being able to establish that they are a local resident would not be a difficult thing in the appeals process.

CHAIR: Thank you very much. I once again thank you and the department for all the work that you have put in. I know it has not been an easy one. My only complaint along the road was the time being taken. A couple of times I had to go and find my dummy because I spat it out a fair way. I also understand there is a lot in it. Go back and talk to your people who are working with you to say that I appreciate the effort that has been put in.

I thank you for your participation. The committee looks forward to your continued assistance during our examination of the bill. I say thank you to our Hansard reporters. The transcript of these proceedings will be available on the committee's parliamentary webpage in due course. I now declare the briefing closed.

Committee adjourned at 10.14 am