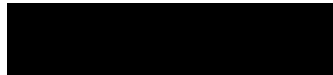




Queensland Council of Unions

Submission to the Strong and Sustainable
Resource Communities Bill 2016

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Introduction

The Queensland Council of Unions (QCU) is the peak union body in Queensland. The QCU has made submissions in relation to fly in, fly out (FIFO) and other long distance commuting work practices in regional Queensland and previous drafts of this Bill. It is not intended to re-establish the necessity for this Bill as it would appear that the need has been established.

We would also like to take the opportunity to congratulate the Palaszczuk Government for taking positive steps to tackle this important policy issue. It is also encouraging that there may be some bipartisan support for the Bill. However, it is the QCU submission that such an important policy suite should not be able to be avoided or circumvented.

Accordingly, the following brief submission addresses outstanding concerns held by the QCU in relation to the Bill as it is currently drafted.

Recommendations

1. 100 km radius for the definition of “nearby regional community”

The Explanatory Notes provides the following aim of the Bill:

“support existing and new workers who choose to live and work in regional communities”.

In order to be certain of meeting that aim, it is our submission that 200 kilometres would be a better distance to be included in the definition of “nearby regional community” as contained in schedule 1.

The QCU is concerned that the current definition of 100 kilometres in relation to a “nearby regional community” may unnecessarily limit the application of the Bill. Section 6 of the proposed Strong and Sustainable Resource Communities Act prohibits 100 per cent FIFO workforces; section 8 of the proposed Strong and Sustainable Resource Communities Act makes exclusion of local communities an offence; and sections 13 and 14 of the of the proposed Strong and Sustainable Resource Communities Act creates obligations for the Coordinator General and proponents in relation to large resources projects. The proposed section 131C of the *Anti-Discrimination Act 1991* prohibits discrimination against local residents. In these cases, it is our submission that 200 kilometres would be a more suitable definition to advance the purposes of the Bill.

It is understood that there may be some concern for workplace health and safety implications of a longer distance for the purpose of this definition; however; existing fatigue management policies would overcome any perceived difficulties with extending the distance for this definition.

Recommendation

That the radius for the definition of “nearby regional community” be 200 km.

2. The application of the anti-discrimination provisions to existing employees

The Explanatory Notes include the following stated aim of the Bill:

“prevent resource companies discriminating against local residents in the future recruitment of operational workers”.

The drafting of the Bill leaves no doubt for future projects. As currently drafted we have concerns as to the application of the anti-discrimination provisions to existing employees. The consistent position of the QCU is that any current employees who live locally and/or any employee wanting to become a local resident should not have to comply with absurd requirements such as flying to a capital or regional city only to be flown back to where the employee resides.

Recommendation

That the Committee satisfies itself that the proposed section 131C (2) (b) of the Anti-Discrimination Act 1991 is sufficient to protect existing employees.

3. Minimum standards should exist of industrial, housing and health

The Inquiry into the practices of the Labour Hire Industry in Queensland was undertaken by the Queensland Parliament’s Finance and Administration Committee in 2016. This inquiry toured Queensland and invited submission from interested parties. Many submissions were received by the inquiry as to how labour hire was used reduce wages, conditions of employment and employment security. This current inquiry into Strong and Sustainable Resource Communities Bill 2016 has also received a submission from the Electrical Trade Union of Employees Queensland that sets out another example of this familiar story of the use of labour hire.

Union input into workforce management plans is the most effective way to ensure that the positive impacts of a project are maximised for the workforce and in turn the local community. Union input into the workforce management plans will assist in the maintenance of reasonable conditions of employment in regional communities. This is discussed later in relation to Social Impact Assessments.

The Explanatory memorandum includes the following aim of the Bill that is relevant to this concern:

“prescribe the social impact assessment (SIA) process for large resource projects”

In order to ensure these minimum standards are met, it is our submission the Bill requires some further clarity. In particular, our concern is for the mental health impact of FIFO arrangements. As was relied upon in several earlier submissions to this committee, the 2013 House Standing Committee on Regional Australia report entitled *Cancer of the bush or salvation for our cities? Fly-in, fly-out and drive-in, drive-out workforce practices in Regional Australia* identified mental health for FIFO workers as a major concern.

Recommendation

That the Bill be amended to include minimum standards for industrial arrangements, accommodation and health, including mental health for inclusion in the relevant SIAs.

4. The definition of “not 100 per cent FIFO” could be easily met without giving effect to the primary objectives of this Bill.

The explanatory note includes the following aim for the Bill:

“prevent the use of 100 per cent FIFO workforces for the operation of future large resource projects located near regional communities”

The QCU has concerns that the employment of a small number of employees could be employed by an owner of a resource project in order to meet minimum requirements. For example, the project might include one cleaner from a “nearby regional community” and the remainder of the workforce be FIFO. The owner could then argue that less than 100 per cent of the workforce is FIFO.

Recommendation

That the Bill be amended to ensure that the prohibition on 100 per cent FIFO is not met by the employment of a small number of employees from the nearby regional community.

See the recommendation below concerning a hierarchy of employment.

5. The hierarchy of employment needs to be clarified

The Explanatory Notes includes the following objective of the Bill:

“support existing and new workers who choose to live and work in regional communities”

The existing Bill remains silent as to how this would be ultimately achieved. In previous submissions, the QCU has advocated a hierarchy of employment that is reflected in the recommendation below.

Recommendation

That the Bill be clarified to ensure that the order in which recruiting and training personnel should be sourced for mining projects is as follows:

- 1. local and regional communities*
- 2. recruitment to the regional community*
- 3. recruitment from priority areas, such as areas of high unemployment and socioeconomic disadvantage*
- 4. recruitment from other areas of Queensland.*

6. Application of the Bill to construction and decommissioning phases.

The Explanatory Notes provides the following aim of the Bill:

“support existing and new workers who choose to live and work in regional communities”.

Given that there is likely to more employees in the construction phase than in the production phase of a project it would appear to be appropriate to include the construction phase in order to give effect to the above-mentioned aim of the Bill.

The current Bill (section 12) provides for the capacity of the Coordinator General to have the requirements of the proposed legislation to apply to the construction phase of a project. The consistent position of the QCU has been that the proposed act should mandate the same conditions for the construction and decommissioning phases of a project. We remain unconvinced that there is any material difference that

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would distinguish these phases with that of the production phase of the project. There is no reason that an appropriately skilled local resident could not be recruited for the construction phase.

Recommendation

That the Bill be re-drafted to include construction and decommissioning phases of a project in the requirements for the employment of residents from nearby regional communities.

7. Social Impact Assessment guideline

In conjunction with this Bill, the *Social Impact Assessment Guideline* was tabled by Minister Lynham on 8 November 2016. In relation to 3.3.5 (Unions) in the guideline, relevant unions should have significant input into the workforce management plan suggested in 3.4.2. Unions are the legitimate representatives of employees on worksites and projects and it is therefore entirely reasonable that unions be involved in the development of workforce management plans. Workforce management plans should be developed by proponents in consultation with unions. The Coordinator General should also be required to consult with relevant unions over workforce management plans.

Recommendation

That the Coordinator General should consult the relevant unions on any workforce management plan before the SIA prior to approval.