

**STRONGER
TOGETHER**

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10 December 2016

Mr Jim Pearce
Chair
Infrastructure, Planning and Natural Resources Committee
Parliament House
George Street
Brisbane Qld 4000

Email: ipnrc@parliament.qld.gov.au

Dear Mr Pearce,

RE: SUBMISSION IN RELATION TO THE STRONG AND SUSTAINABLE RESOURCE COMMUNITIES BILL 2016

The Australian Workers' Union (AWU) represents workers in the mining, hydrocarbons, construction and hospitality industries.

The AWU makes the following brief submission with regard to the *Strong and Sustainable Resource Communities Bill 2016*.

The overall view of the AWU in relation to the Bill is that it is underwhelming.

The AWU provides the following changes to the proposed Bill:

The application is too narrow and the Bill should include the construction phase, de-commissioning and rehabilitation. These phases are implemented and managed by the proponent and as such should be included. Local communities don't cease to exist during these phases of the lifecycle. There needs to be more criteria around how the Coordinator General would exercise the discretion provided at section 12 of the Bill to include construction;

The AWU does not agree to the proposed restrictive operation date for application of the Bill. The AWU submits that the Bill should apply to all mines and hydrocarbon projects regardless of when they were approved;

The application should include support staff such as catering etc, labour-hire workers and contract workers, not just direct employees of the project. This requirement should be stipulated in the definition of "worker" at Schedule 1.

Prohibiting 100% FIFO on projects is too vague and open to potential manipulation. Is 99% FIFO appropriate? The provisions should be re-framed to require 'preference to workers in local

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communities with the use of FIFO being the 'exception' only. Further, there must be regular compliance checks to ensure that the operator is complying with the obligation imposed. The AWU supports a mechanism being put in place where a third-party such as a union can formally raise a suspected breach and prosecute it on behalf of a member or group of members. Such mechanism should impose the reverse onus of proof on the operator;

Due to the propensity of mining and hydrocarbon proponents using labour-hire and contracting arrangements the proposed legislation should clearly apply to workers of such companies who are engaged by such operators;

The AWU is not convinced that using the anti-discrimination tribunal to address breaches of local engagement will be cheap, simple and easy for our members or the union. We are open to further discussion in relation to how this would work practically and collectively;

There is only one penalty provision in the Bill which relates to advertising. The AWU submits that penalties should also apply to breaches related to social impact assessments (SIA) and engagement obligations. Due to the revenue generated by mine and hydrocarbon operators, the penalties should be increased to ensure compliance;

The AWU should be actively consulted in relation to each SIA and requested to provide an assessment on past performance. This should be included in the community and stakeholder engagement requirement;

The AWU requests to be further consulted in relation to guidelines at section 9(2)(b) of the Bill;

The AWU submits that the criteria of "workforce management" at section 9(3)(b) of the Bill should include consideration of the past track record of the proponent paying market rates in the industry, levels of disputation, positive engagement with relevant unions, potential abuse of 457 visas and safety record. The relevant union/s should be required to provide evidence and submissions in relation to the proponents past track record in relation these requirements. Such requirements will ensure that a reasonable share of revenue will be brought into the local community and assist the economic well-being of the residents and business owners in that community;

The SIA must be routinely and comprehensively reviewed during the lifecycle of the project by an enforcement unit to ensure compliance and to remedy breaches;

The 100 km and 200 person requirements are too restrictive in relation to the definition of regional community. The only projects that should be restricted are those that are genuinely remote. What if there are a number of small communities of less than 200 persons within the area? What if the project is outside 100km of a local community but it is reasonable for residents to drive in and drive out (DIDO) for swings? There needs to be more criteria around how the Coordinator General would exercise the discretion in the definition of "nearby regional community" provided at Schedule 1 of the Bill;

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The AWU submits that no worker, contract worker or labour-hire worker should be required to cover the costs of any FIFO engagement including flights, accommodation, board or other related costs. This requirement will provide an incentive to source and engage workers locally;

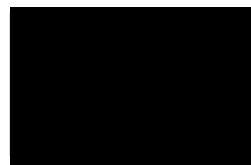
The AWU supports the operators procuring and sourcing materials locally; and

The operator should ensure mandatory traineeships and apprenticeships drawn from the local community to ensure suitable candidates can be sourced locally over the course of the project lifecycle. A training levy similar to that paid by companies in the construction industry can assist school leavers in local communities prepare and undertake vocational training such as apprenticeships and traineeships which are consistent with the workforce planning requirements of the operators.

If you require any further information in relation to this submission please contact Mark Raguse



Yours faithfully



BEN SWAN
SECRETARY

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