



**Construction, Forestry,  
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# CFMEU – MINING AND ENERGY DIVISION

## Submission to the Strong and Sustainable Resource Communities Bill 2016

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## Introduction

The CFMEU - Mining and Energy Division is the principal union representing coal mine workers in Australia. Queensland along with NSW contains the bulk of the black coal mining industry of Australia. In other States the union also represents a significant proportion of coal power station workers.

The CFMEU (Construction, Forestry, Mining and Energy Union) also has coverage for Construction workers in Australia, some of which may be effected by the proposed bill.

### 1. **Section 6 (2) - Prohibition on employing a 100% FIFO workforce during the Operational phase of a project**

This prohibition does not extend to the construction and demobilisation phases of a project. The CFMEU believe that the same proposed employment protocols (advertising and considering local workers first) should be applied also to the construction and demobilisation phase of a project.

*Recommendation:*

The prohibition should include all stages of a project and not just the operational stage.

### 2. **Section 6(2) & Section 7 - Prohibition of 100% FIFO and contravention is dealt with as an “enforceable condition”**

Section 6(2) is not a civil penalty provision.

*Recommendation:*

Make section 6(2) a civil penalty provision so that a contravention can be enforced both as a contravention of the Act (attracting a civil penalty) and as an enforceable condition.

### 3. **Section 6(2) - Prohibition of 100% FIFO**

The characterisation of “prohibition of 100% FIFO” is still open to manipulation. Effectively a project could meet their obligations by simply employing one employee from the local area. For example, an owner of a mine could hire one local person in an administrative or gardening position and maintain 100% FIFO in their production roles and still meet the definition of s.6(2) of the Act.

The prohibition on FIFO should be flexible so as to allow for the Government to ensure that the owner cannot manipulate its workforce in such a manner.

*Recommendation:*

Change prohibition to the following:

*The owner must ensure that its workforce, or a discernible part thereof, is not comprised of 100% Fly-in Fly-out workers for any stage of its resource project.*

#### 4. **Section 8(2) & Section 9 – Discrimination**

The CFMEU believe that the bill is unclear on how a complaint would be made and dealt with under the Anti-Discrimination Act 1991. The changes to the Act appear to be extraneous and unnecessary.

The CFMEU believes that the changes to the Act can be simplified by altering the definition of attribute in s.7 to include a “resident of the nearby regional community.” This change would be more efficient and easier for a person to make a complaint that they had been discriminated against by a company in refusing to offer them employment.

*Recommendation:*

The section should clarify that a “resident of the nearby regional community mentioned in section 8(1)” is an “attribute” as defined in section 7 of the Anti-Discrimination Act 1991. This would ensure that persons discriminated against could make an application more simply.

#### 5. **Section 11 - Union consultation**

The Social Impact Assessment guidelines do not contain any specific union consultation. The CFMEU has coverage and the ability to represent the interests of all workers who will be effected by this bill. The CFMEU (Mining and Energy Division) is the principle Union in the Black Coal Industry.

The SIA should allow the CFMEU to be allowed to make submissions and be consulted on the social impact assessment of mines.

*Recommendation:*

The SIA should specifically provide for Union Consultation with the Co-Ordinator General in the social impact assessment.

## 6. **Accommodation**

There is no minimum standard of what accommodation should be provided for FIFO workers. Given the identified mental health issues that come from poor accommodation for these workers, a minimum standard to be complied with is essential.

### *Recommendation:*

The Act should legislate a minimum standard for accommodation provided for FIFO workers of resource projects. This should be done either through a regulation or “code of practice.” Civil penalties should apply for breaching this minimum standard.

## 7. **Section 8 - Prohibition on Discrimination against Residents**

The characterisation of prohibition still open to manipulation through recruitment process for the project as already outlined in point 4 of this submission.

### *Recommendation:*

The Bill should provide for a hierarchy of recruitment options to ensure that residents in nearby regional communities are given a genuine chance to work at the resource project by advertising to the nearby communities first.

## 8. **Schedule 1 – Dictionary - Definition of nearby regional community**

The Definition and Bill describes a nearby regional community that is within 100kms of the resource project. To put this in effect will isolate projects in regional Queensland and force the project to rely heavily on a FIFO workforce and limit the bill and its application.

### *Recommendation:*

The Bill should increase the radius to 200kms given the distance between some resource projects and towns in regional QLD.