

Strong and Sustainable Resource Communities Bill 2016

Amendments during consideration in detail to be moved by
The Honourable the Minister for State Development and Minister for
Natural Resources and Mines

1 **Clause 6 (Prohibition on 100% fly-in fly-out workers for large resource projects)**

Page 7, lines 10 to 18—

omit, insert—

- (1) This section applies to the owner of a large resource project that has a nearby regional community from the day that is 6 months after the designated day.
- (1A) For subsection (1), the designated day is the day the Coordinator-General publishes the name of the large resource project on the department's website under section 13.

2 **Clause 7 (Prohibition on 100% fly-in fly-out workers for large resource projects taken to be an enforceable condition)**

Page 7, lines 26 to 30 and page 8, lines 1 and 2—

omit, insert—

7 Requirement for operational workforce management plan if s 6 contravened

- (1) This section applies if the Coordinator-General is satisfied, after requesting information under section 14A from the owner of a large resource project that has a nearby regional community, that the owner has contravened section 6.
- (2) The Coordinator-General may, by written notice given to the owner (a *requirement notice*), require the owner to prepare a plan (an *operational workforce management plan*) for the project containing the matters stated in a guideline made by the Coordinator-General under section

7A.

- (3) In preparing the operational workforce management plan for the project, the owner must consult with the local government for each local government area within which all or part of the project, or a nearby regional community for the project, is situated.
- (4) If the Coordinator-General gives the owner a requirement notice for the project, the owner must submit to the Coordinator-General an operational workforce management plan for the project that complies with the requirement notice—
 - (a) within 3 months after receiving the requirement notice; or
 - (b) if the Coordinator-General allows a longer period by written notice to the owner, within the longer period.

Maximum penalty—800 penalty units.

- (5) The Coordinator-General may, by written notice to the owner—
 - (a) approve the plan for the project; or
 - (b) if the plan does not comply with the requirement notice, approve the plan subject to stated conditions.
- (6) Also, the Coordinator-General may state conditions for the project that relate to the plan.
- (7) If the Coordinator-General states a condition under subsection (5)(b) or (6), the stated condition is taken to be an enforceable condition for the project under the *State Development and Public Works Organisation Act 1971*, section 157A.
- (8) Except as provided in the *State Development and Public Works Organisation Act 1971*, part 7A, neither the Land Court nor the Planning and Environment Court has jurisdiction in relation to conditions stated for the project under subsection

(5)(b) or (6).

7A Coordinator-General may make guideline for operational workforce management plan

The Coordinator-General may make a guideline stating the matters that must be included in an operational workforce management plan for a large resource project and must publish the guideline on the department's website.

3 Clause 8 (Offence relating to advertising or document about recruitment for large resource project)

Page 8, lines 5 to 15—

omit, insert—

- (1) This section applies to the owner of a large resource project that has a nearby regional community.

4 Clause 9 (Requirement for owner of, or proponent for, large resource project to prepare a social impact assessment)

Page 9, after line 19—

insert—

- (3A) For subsection (3)(b), the social impact assessment must provide for the recruitment of workers for the project in the following order of priority—
- (a) workers from local and regional communities;
 - (b) workers who will live in regional communities.

5 Clause 9 (Requirement for owner of, or proponent for, large resource project to prepare a social impact assessment)

Page 9, line 21, ‘may’—

omit, insert—

must

6 Clause 11 (Coordinator-General may state conditions to manage the social impact of large resource projects generally)

Page 10, line 20, before ‘the EIS’—

insert—

evaluating

7 Clause 11 (Coordinator-General may state conditions to manage the social impact of large resource projects generally)

Page 10, lines 23 to 31 and page 11, lines 1 to 4—

omit, insert—

- (3) If the Coordinator-General states a condition under subsection (2)—
 - (a) the stated condition is taken to be an enforceable condition for the project under the *State Development and Public Works Organisation Act 1971*, section 157A; and
 - (b) the Coordinator-General must give a copy of the stated condition to—
 - (i) the proponent for the project; and
 - (ii) if the large resource project is a project for which the proponent has published an EIS notice under the *Environmental Protection Act 1994*, section 51(2)(b)—the chief executive of the department in which the *Environmental*

Protection Act 1994 is administered;
and

8 Clause 11 (Coordinator-General may state conditions to manage the social impact of large resource projects generally)

Page 11, line 14, ‘Neither’—

omit, insert—

Except as provided in the *State Development and Public Works Organisation Act 1971*, part 7A, neither

9 Clause 12 (Coordinator-General may nominate large resource project as a project for which persons employed during construction phase are workers for this Act)

Page 11, lines 20 to 23—

omit, insert—

The Coordinator-General, as part of evaluating the EIS for the project, must decide whether to nominate a large resource project as a project for which a person employed during the construction phase of the project is a worker for this Act.

10 After clause 14

Page 12, after line 16—

insert—

14A Coordinator-General may require relevant information

- (1) The Coordinator-General may give a notice under this section to a person requiring the person to give the Coordinator-General information relevant to the administration or enforcement of this Act.
- (2) The notice may be given only to a person the

Coordinator-General suspects on reasonable grounds has knowledge of a matter, or has possession or control of a document dealing with a matter, for which the information is required.

- (3) The notice must—
 - (a) be in the approved form; and
 - (b) state the person to whom it is issued; and
 - (c) state the information required; and
 - (d) state the period within which the information is to be given to the Coordinator-General; and
 - (e) state the reasons the information is required.
- (4) A person given a notice under this section must comply with the notice unless the person has a reasonable excuse for not complying with it.

Maximum penalty—400 penalty units.

- (5) If the person is an individual, it is a reasonable excuse for the individual to fail to comply with the notice if complying with it might tend to incriminate the individual.
- (6) The person does not commit an offence against subsection (4) if the information sought by the Coordinator-General is not in fact relevant to the administration or enforcement of this Act.

14B Giving Coordinator-General a false or misleading document

A person must not, in relation to the performance of the Coordinator-General's functions, give the Coordinator-General a document containing information the person knows is false or misleading in a material particular.

Maximum penalty—1,665 penalty units.

11 Clause 19 (Insertion of new ch 5B)

Page 15, lines 6 to 20—

omit, insert—

nearby regional community.

12 Schedule 1 (Dictionary)

Page 25, line 15 and 16—

omit, insert—

large resource project means a resource project—

- (a) for which an EIS is required; or
- (b) that holds a site-specific environmental authority under the *Environmental Protection Act 1994* and—
 - (i) has, or is projected to have, a workforce of 100 or more workers; or
 - (ii) has a smaller workforce decided by the Coordinator-General and notified in writing by the Coordinator-General to the owner of the project.

13 Schedule 1 (Dictionary)

Page 25, lines 20 to 29—

omit, insert—

nearby regional community, for a large resource project, means a town, the name of which is published on the department's website under section 13—

- (a) any part of which is within—
 - (i) a 125km radius of the main access to the project; or

- (ii) a greater or lesser radius decided by the Coordinator-General and notified in writing by the Coordinator-General to the owner of the project; and
- (b) that has a population of more than—
 - (i) 200 people; or
 - (ii) a smaller population decided by the Coordinator-General and notified in writing by the Coordinator-General to the owner of the project.

14 Schedule 1 (Dictionary)

Page 26, lines 8 to 10—

omit.

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