



Strong and Sustainable Resource Communities Act 2017

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Queensland

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Strong and Sustainable Resource Communities Act 2017

An Act to provide for matters that will benefit residents of communities in the vicinity of large resource projects during their operation

Part 1 Preliminary

1 Short title

This Act may be cited as the *Strong and Sustainable Resource Communities Act 2017*.

2 Commencement

This Act, other than part 3, division 3, commences on a day to be fixed by proclamation.

3 Object of Act

- (1) The object of this Act is to ensure that residents of communities in the vicinity of large resource projects benefit from the construction and operation of the projects.
- (2) The object is mainly achieved by requiring the owners of, or proponents for, large resource projects—
 - (a) to prepare a social impact assessment for the projects; and
 - (b) to employ people from nearby regional communities; and
 - (c) not to discriminate against residents from nearby regional communities when employing for the projects.

4 Act binds all persons

- (1) This Act binds all persons, including the State.
- (2) However, nothing in this Act makes the State liable to be prosecuted for an offence.

5 Definitions

The dictionary in schedule 1 defines particular words used in this Act.

Part 2 Provisions for the benefit of residents of communities in the vicinity of large resource projects

6 Prohibition on 100% fly-in fly-out workers for large resource projects

- (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) The owner must not employ a workforce for the operational phase of the project that comprises 100% of workers who are fly-in fly-out workers.
- (3) The owner is taken to contravene subsection (2) whether it is the owner, a related body corporate of the owner, or an agent of the owner or related body corporate, that employs the workforce for the project.

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.

8 Offence relating to advertising or document about recruitment for large resource project

- (1) This section applies to the owner of a large resource project that has a nearby regional community.
- (2) The owner must not—
 - (a) advertise positions for workers for the project in a way that prohibits residents of the nearby regional community for the project from applying for the positions; or
 - (b) otherwise state, in any way in a document, that residents of the nearby regional community for the project are not eligible to be workers for the project.

Maximum penalty—400 penalty units.

- (3) The owner is taken to contravene subsection (2) whether it is the owner, a related body corporate of the owner, or an agent of the owner or related body corporate, that does a thing mentioned in subsection (2).

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

- (1) This section applies to the owner of, or proponent for, a large resource project for which either of the following happens—
 - (a) the proponent makes a public notification about the draft EIS for the project under the *State Development and Public Works Organisation Act 1971*, section 33(1);
 - (b) the proponent publishes an EIS notice for the project under the *Environmental Protection Act 1994*, section 51(2)(b).
- (2) The owner or proponent must, as part of the EIS for the project, prepare a social impact assessment that—
 - (a) provides for the matters mentioned in subsection (3); and
 - (b) includes the matters stated in the guideline made under subsection (4).
- (3) The social impact assessment must provide for the following in relation to the project—
 - (a) community and stakeholder engagement;
 - (b) workforce management;
 - (c) housing and accommodation;
 - (d) local business and industry procurement;
 - (e) health and community well-being.
- (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.
- (4) For the matters mentioned in subsection (3), the Coordinator-General must make a guideline stating the details that must be included in a social impact assessment and publish the guideline on the department's website.

- (5) In preparing the social impact assessment under subsection (2), the owner or proponent must consult with the local government for the local government area in which the large resource project is situated.

10 Requirement for social impact assessment for large resource projects under the *Environmental Protection Act 1994*

- (1) This section applies to the owner of, or proponent for, a large resource project for which an EIS notice has been published under the *Environmental Protection Act 1994*, section 51(2)(b) after the commencement.
- (2) For the following provisions of the *Environmental Protection Act 1994*, the chief executive of the department administering that Act may allow the EIS to proceed only if the Coordinator-General has advised that the social impact assessment for the project may proceed—
 - (a) sections 49 and 49A;
 - (b) sections 56A and 56AA.

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

- (1) This section applies to a large resource project for which either of the following happens—
 - (a) a proponent makes a public notification about the draft EIS for the project under the *State Development and Public Works Organisation Act 1971*, section 33(1);
 - (b) a proponent publishes an EIS notice for the project under the *Environmental Protection Act 1994*, section 51(2)(b).
- (2) The Coordinator-General may, as part of evaluating the EIS for the project, state conditions to manage the social impact of the project.

- (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
 - (c) the proponent for the project may apply to the Coordinator-General to change a stated condition; and
 - (d) if the proponent makes an application under paragraph (c)—
 - (i) the *State Development and Public Works Organisation Act 1971*, part 4, division 3A, applies to the application; and
 - (ii) the application must be accompanied by the fee prescribed by regulation.
- (4) 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 under subsection (2).

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

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.

13 Publication of details of nearby regional communities and large resource projects

The Coordinator-General must publish the following on the department's website for each large resource project mentioned in section 6 or 8—

- (a) the name of each nearby regional community for the large resource project;
- (b) the name of the large resource project and the date the operational phase of the project started;
- (c) the name of the owner of the large resource project;
- (d) if the ownership of the large resource project changes, the name of the new owner, the previous owner and the date ownership changed;
- (e) if the project has been nominated under section 12, details of the nomination.

14 Owner of large resource project must advise Coordinator-General of particular matters

The owner of a large resource project that has a nearby regional community must immediately give the Coordinator-General written notice of the following—

- (a) the start of the operational phase of the project, including the date it started;
- (b) any change of ownership of the project, including the name of the new owner, the previous owner and the date ownership changed.

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.

15 Regulation-making power

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may be made about the following—
 - (a) the fees payable under the Act;
 - (b) imposing a penalty for a contravention of a provision of a regulation of no more than 20 penalty units.

Schedule 1 Dictionary

section 5

agent, of an owner or a related body corporate of an owner, means a person who has actual, implied or ostensible authority to act on behalf of the owner or related body corporate.

EIS means an environmental impact statement under—

- (a) the *Environmental Protection Act 1994*; or
- (b) the *State Development and Public Works Organisation Act 1971*.

fly-in fly-out worker, for a large resource project, means a worker who travels to the project by aeroplane, or another means, from a place that is not a nearby regional community for the project to work on the operational phase of the project.

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.

mineral see the *Mineral Resources Act 1989*, section 6.

mining lease means a lease granted under the *Mineral Resources Act 1989*.

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.

operational phase, of a large resource project, means the period from the start to the end of production of coal, a mineral or petroleum for the project.

owner, of a large resource project, means the person who holds the mining lease or petroleum lease for the project.

petroleum see the *Petroleum and Gas (Production and Safety) Act 2004*, section 10.

petroleum lease means a lease granted under the *Petroleum Act 1923* or the *Petroleum and Gas (Production and Safety) Act 2004*.

principal contractor, of a large resource project, means the person that operates all or a significant part of the large resource project for the owner of the project.

related body corporate see the Corporations Act, section 50.

resident, of a nearby regional community, means a person whose principal place of residence is in the nearby regional community.

resource project has the meaning given in the *Environmental Protection Act 1994*, section 112.

social impact, of a large resource project, means the potential positive and negative impacts of the project on the social environment of communities affected by the project.

social impact assessment, for a large resource project, means an assessment of the social impact of the project.

town, in relation to a large resource project, means an area listed as a locality or urban centre by the Australian Bureau of Statistics and published on its website.

worker, for a large resource project, means a person employed, or to be employed, to perform work—

- (a) during the operational phase of the project; or
- (b) for a large resource project nominated by the Coordinator-General under section 12 and the name of which is published on the department's website under section 13—during the construction phase of the project.