



Queensland

Strong and Sustainable Resource Communities and Other Legislation (Stronger Communities) Amendment Youth Act 2022

A Youth Bill for a Youth Act to amend the Strong and Sustainable Resource Communities Act 2017, the State Development and Public Works Organisation Act 1971 and the Anti-Discrimination Act 1991 for particular purposes.

[Assented to 20 October 2022]



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The Youth Parliament of Queensland enacts—

Part 1 Preliminary

1 Short title

This Youth Act may be cited as the *Strong and Sustainable Resource Communities and Other Legislation (Stronger Communities) Amendment Youth Act 2022*.

Part 2 Amendment of Strong and Sustainable Resource Communities Act 2017

2 Act amended

This part amends the *Strong and Sustainable Resource Communities Act 2017*.

3 Insertion of new ss 5A, 5B and 5BA

After section 5—

insert—

5A Meaning of *local worker target proportion*

- (1) A *local worker target proportion*, for a large resource project, is the target proportion of the workforce that are local workers.
- (2) The local worker target proportion, for a large resource project, is—
 - (a) if the local government for the local government area in which the large resource project is situated, by resolution, states a

[s 3]

local worker target proportion (*local government target proportion*) for the project—the local government target proportion for the project; or

- (b) if the project is an existing project and a local government target proportion for the project has not been stated—for the period stated in column 1 of the table, the local worker target proportion stated opposite the period (*transitional State target proportion*); or
- (c) otherwise—50% (*State target proportion*).

Transitional State target proportion	
Column 1	Column 2
Period	Local worker target proportion
2024 to 2028	20%
2029 to 2033	35%
2034 to 2038	50%
2039 to 2043	65%
2044 to 2048	75%

5B Limitation on local government power to state local government target proportion

A local government may only state a local government target proportion, for a large resource project, which is greater than-

- (a) if the project is an existing project—the transitional State target proportion; or
- (b) otherwise—the State target proportion.

5BA Meaning of *just transition program*

- (1) A *just transition program* is a program to assist local workers to find new employment at the end of the operational phase of a large resource project.
- (2) Activities undertaken as part of a just transition program include, for example, the following—
 - (a) educating or training workers to facilitate employment in another industry;

Example—

apprenticeships, traineeships, bursaries to attend university or TAFE

- (b) working with, or offering incentives or support to, local business and local industry to facilitate worker's transition to employment in the local business or local industry;

Example—

agreements and plans with local business and local industry, employment and job-seeker services

- (c) working with the State, local governments, local business and local industry to increase the scale of existing local business and local industry or to establish new local business or local industry.

Example—

end of operational phase plans, collaborative or jointly funded projects or ventures

- (3) Participation by local workers in a just transition program is voluntary.

4 Insertion of new s 5C

Before section 6—

insert—

5C Coordinator-General must prioritise interests of nearby regional communities

- (1) In deciding—
 - (a) whether to—
 - (i) require that an owner prepare an operational workforce management plan under section 11(2); or
 - (ii) approve an operational workforce management plan under section 11(4); or
 - (iii) state a condition under section 7(6) or 11(2); or
 - (b) what condition to state under section 7(6) or 11(2), (2A), (2C), (2D), (2F) or (2H);

the Coordinator-General must prioritise the interests of nearby regional communities unless doing so would be unreasonable.

5 Amendment of s 6 (Prohibition on 100% fly-in fly-out workers for large resource projects)

- (1) Section 6, heading—

omit, insert—

6 Owner of large resource project must comply with local worker target proportion

- (2) Section 6(2)—

omit, insert—

- (2) The owner must not employ a workforce for the operational phase of the project that comprises fewer local workers than the local worker target proportion for the project.

5A Amendment of s 7 (Requirement for operational workforce management plan if s 6 contravened)

(1) Section 7(2), ‘may’—

omit, insert—

must

(2) Section 7—

insert—

(2A) Also, the operational workforce management plan must—

(a) if the owner does not intend to comply with the local worker target proportion for the project during the operational phase of the project—

(i) justify why the owner or proponent cannot comply; and

(ii) provide for the minimisation of noncompliance; or

Examples—

- apprenticeships and traineeships offered to residents of nearby communities;
- bursaries to attend university or TAFE offered to residents of nearby regional communities;
- ‘Live Local’ grant programs;
- improvement of community facilities to incentivise relocation.

(b) otherwise—provide for compliance with the local worker target proportion for the project during the operational phase of the project.

(3) Section 7(5), before ‘by’—

insert—

after evaluating the plan,

(4) Section 7—

insert—

(5A) If the plan does not provide for compliance with the local worker target proportion for the project during the operational phase of the project, the Coordinator-General must, as part of evaluating the plan, state a condition requiring that—

- (a) if, after considering whether the local worker target proportion for the project is unreasonable, the Coordinator-General is satisfied that the local worker target proportion for the project is unreasonable—the proponent not employ a workforce for the operational phase of the project that comprises fewer local workers than a local worker target proportion decided by the Coordinator-General (***project specific target proportion***); or
- (b) otherwise—the proponent not employ a workforce for the operational phase of the project that comprises fewer local than the local worker target proportion for the project.

(5B) In deciding—

- (a) whether the local worker target proportion for the project is unreasonable; or
- (b) the project specific target proportion;
the Coordinator-General must have regard to the following—
- (c) the economic viability of the project;
- (d) the needs of nearby regional communities;
- (e) workforce management;
- (f) workplace health and safety.

(5) Sections 7(7) and (8), after ‘(5)(b)’—

insert—

, (5A)

6 Amendment of s 9 (Requirement for owner of, or proponent for, large resource project to prepare a social impact assessment)

(1) After section 9(3)(e)—

insert—

- (f) a just transition program;
- (g) negotiating an indigenous land use agreement.

(3B) For subsection (3)(b), the social impact assessment must—

(a) if the owner or proponent does not intend to comply with the local worker target proportion for the project during the operational phase of the project—

- (i) justify why the owner or proponent cannot comply; and
- (ii) provide for the minimisation of noncompliance; or

Examples of ways to minimise noncompliance—

- apprenticeships and traineeships offered to residents of nearby regional communities;
- bursaries to attend university or TAFE offered to residents of nearby regional communities;
- ‘Live Local’ grant programs;
- improvement of community facilities to incentivise relocation.

(b) otherwise—provide for compliance with the local worker target proportion for the project during the operational phase of the project.

(3C) For subsection (3)(d), the social impact assessment must provide for procurement from business and industry in the following order or

priority—

- (a) business and industry from nearby regional communities;
- (b) business and industry from a regional community.

(3D) For subsection (3)(e), the social impact assessment must provide for the facilitation of workers' engagement and involvement in nearby regional communities.

(2) Section 9(4), all words after 'guideline'—

omit, insert—

stating—

- (a) the details that must be included in a social impact assessment; and
- (b) the manner in which the community must be consulted in preparing the social impact assessment; and

publish the guideline on the department's website.

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

(1) Section 11, heading, 'generally'—

omit.

(2) Section 11(1), before 'This section applies'—

insert—

Application

(3) Section 11(2), before 'The Coordinator-General'—

insert—

Conditions to manage the social impact of large resource projects generally

(4) Section 11—

insert—

(2A) **Condition about proportion of workforce that
are local workers**

The Coordinator-General must, as part of evaluating the EIS for the project, state a condition requiring that—

- (a) if, after considering whether the local worker target proportion for the project is unreasonable, the Coordinator-General is satisfied that the local worker target proportion for the project is unreasonable—the proponent not employ a workforce for the operational phase of the project that comprises fewer local workers than a local worker target proportion decided by the Coordinator-General (*project specific target proportion*); or
- (b) otherwise—the proponent not employ a workforce for the operational phase of the project that comprises fewer local workers than the local worker target proportion for the project.

(2B) In deciding—

- (a) whether the local worker target proportion for the project is unreasonable; or
 - (b) the project specific target proportion;
- the Coordinator-General must have regard to the following—
- (c) the economic viability of the project;
 - (d) the needs of nearby regional communities;
 - (e) workforce management;

(f) workplace health and safety.

(2C) **Condition about procurement from local business or industry**

The Coordinator-General must, as part of evaluating the EIS for the project, state a condition requiring that a proportion of goods and services procured for the operational phase of the project must be from nearby regional communities.

(2D) **Conditions about financial contributions to offset estimated impact of the project on public services or publicly funded services**

The Coordinator-General must, as part of evaluating the EIS for the project, state conditions requiring that financial contributions are paid to offset the estimated impact of the project on public services or publicly funded services.

(2E) In deciding the financial contribution required to offset the estimated impact of the project on a public service or publicly funded service, the Coordinator-General must have regard to the following—

- (a) the current level of service provided;
- (b) the estimated impact of the project on the level of service.

(2F) **Conditions about financial contributions to improve public services, publicly funded services, community facilities or community organisations**

The Coordinator-General must, as part of evaluating the EIS for the project, state a condition requiring that a financial contribution is paid to improve a public service, publicly funded service, community facility or community organisation if—

-
- (a) the local government for the local government area in which the large resource project is situated, by resolution, requests the financial contribution (*local government request*); and
 - (b) after considering whether the local government request is unreasonable, the Coordinator-General is not satisfied that the request is unreasonable.

Example—

A local government passes a resolution requesting that the Coordinator-General state a condition requiring that the proponent make a financial contribution to The Scout Association of Australia Queensland Branch Inc. to improve the accessibility and usability of a town's Scout hall. The Scout hall will be used more by other community organisations as a result of the project's workforce migrating to the town.

- (2G) In deciding whether a local government request is unreasonable, the Coordinator-General must have regard to the following—
 - (a) community expectation about the level of service or state of facilities;
 - (b) the average level of service provided or state of facilities across the State;
 - (c) the estimated impact of the project on the level of service or state of facilities.

(2H) **Conditions about community consultation**

The Coordinator-General must, as part of evaluating the EIS for the project, state conditions to ensure ongoing community consultation regarding the project.

- (2I) In deciding what conditions to state to ensure ongoing community consultation regarding the project., the Coordinator-General must have regard to the following—

- (a) population;
- (b) demographics;
- (c) the disproportionate effect of the project on a person's or class of persons' legal or economic interests.

(2J) Conditions about just transition program

The Coordinator-General must, as part of evaluating the EIS for the project

- (a) state a condition requiring that the proponent, before the end of the operational phase, implement a just transition program; and
- (b) state conditions to manage the program generally.

Example—

A condition that the just transition program plan be approved by the Coordinator-General.

(2K) In deciding what conditions to state to manage the program generally, the Coordinator-General must have regard to the following—

- (a) the economic viability of the project;
- (b) the needs of nearby regional communities;
- (c) current and future local business and local industry needs and opportunities.

(2L) Conditions about ILUAs

If native title exists in relation to part of the land the project is on (*relevant land*), the Coordinator-General must, as part of evaluating the EIS for the project, state a condition requiring that—

- (a) an ILUA in relation to the project must be in effect for the relevant land; and
- (b) The ILUA must—

- (i) provide that the parties to the ILUA consent to the project;
- (ii) provide for the payment of compensation in relation to the effect of the project on native title rights and interests; and
- (iii) provide that no compensation is payable by or on behalf of the State under the ILUA.

(2M) **Conditions about worker's accommodation**

The Coordinator-General must, as part of evaluating the EIS for the project, state conditions to ensure that workers, where possible, permanently or temporarily reside in a place other than a mining camp while employed by the owner.

Examples of places other than a mining camp—

private residence, rental/leased buildings, mobile living, hotel

(2N) In deciding what conditions to state to ensure that workers, where possible, permanently or temporarily reside in a place other than a mining camp while employed by the owner, the Coordinator-General must have regard to the following

- (a) the economic viability of the project;
- (b) the needs of nearby regional communities;
- (c) workforce management;
- (d) workplace health and safety.

(5) Section 11(3), before 'If the Coordinator-General'—

insert—

Stated conditions taken to be enforceable conditions

(6) Sections 11(3) and (4), after ‘(2)’—

insert—

, (2A), (2C), (2D), (2F), (2H), (2J), (2L) or (2M)

8 Insertion of new pt 2

After section 14B—

insert—

Part 2 Power of local government to regulate mining camps

14C Power of local government to regulate mining camps

- (1) Despite any other law, a local government may make a local law that regulates the construction, design or operation of mining camps (*mining camp local law*).

Note—

See generally the *Local Government Act 2009*, chapter 3, part 1 for how and when a local government may make local laws.

- (2) However, if there is an inconsistency between a mining camp local law and—
- (a) a mining lease; or
 - (b) a priority development area;

the mining lease or priority development area prevails to the extent of the inconsistency.

Example—

A mining lease which authorises the construction of a mining camp to design requirements imposed by the Minister prevails over a mining camp local law which prohibits the construction of mining camps.

- (3) Also, a local government may not make a mining camp local law that prohibits the construction or operation of a mining camp that provides, or would provide, services to a large resource project that does not have a nearby regional community.

Example—

A local government may not make a local law which prohibits the construction of a mining camp that is being built for the purpose of providing accommodation for workers of a new large resource project which does not have a nearby regional community.

14D Entitlement to compensation for owners and operators of mining camps affected by a mining camp local law

- (1) This section applies to the owner or operator of a mining camp who incurs loss or damage because of a mining camp local law.
- (2) The owner or operator is entitled to be paid by the local government and the State reasonable compensation that is—
 - (a) agreed between the local government, the State and the owner or operator; or
 - (b) failing agreement, decided by a court having jurisdiction for the recovery of amounts up to the amount of compensation claimed.
- (3) The court may make an order about costs it considers just.

Part 3 Miscellaneous

9 Amendment of sch 1 (Dictionary)

- (1) Schedule 1—

insert—

community organisation means an organisation formed to promote the interests of a particular community or community group.

Example—

conservation group, Queensland Country Women's Association, Scout Association of Australia Queensland Branch, senior citizen's club, sport club

community facility means a place where artistic, social or cultural facilities or community services are provided to the public.

Examples of a community facility—

art gallery, community centre, Country Women's Association hall, library, museum, Scout hall, town hall

existing project means a large resource project that was in existence prior to the commencement of the *Strong and Sustainable Resource Communities and Other Legislation (Stronger Communities) Amendment Youth Act 2022*.

ILUA means an indigenous land use agreement registered in the Register of Indigenous Land Use Agreements under the *Native Title Act 1993* (Cwlth).

local business, for a large resource project, means a business which is within a 75km radius of a nearby regional community.

local government request see section 11(2F)(a).

local government target proportion, for a large resource project, see section 5A(2)(a).

local industry, for a large resource project, means an industry which is within a 75km radius of a nearby regional community.

local worker, for a large resource project, means a worker that—

(a) is a resident of a nearby regional community; or

(b) lives within a 125km radius of the main access to the project.

local worker target proportion, for a large resource project, see section 5A(1).

mining camp means a non-residential workers accommodation facility where workers of a large resource project temporarily reside.

mining camp local law see section 14A(1).

mining lease see the *Mineral Resources Act 1989*, schedule 2.

priority development area see the *Economic Development Act 2012*, schedule 1.

project specific target proportion, for a large resource project, see section 11(2A)(b).

public service means a service provided by the Commonwealth, the State or a local government.

Example—

communications, emergency service, hospital, public housing, power, roads, sewerage, State school, public transport, water

publicly funded service means a service funded by the Commonwealth, the State or a local government.

Examples of a publicly funded service—

child care, community care service, disability service, doctor, housing service, medical service, non-State school

transitional State target proportion, for a large resource project, see section 5A(2)(b).

State target proportion, for a large resource project, see section 5A(2)(c).

(2) Schedule 1, definition *nearby regional community*, paragraph (a)(i), '125km'—

omit, insert—

75km

- (3) Schedule 1, definition *nearby regional community*, after paragraph (a)(ii)—

insert—

Example—

The Coordinator-General extends the radius to include a town because the large resource project could provide a bus service for workers from a mining camp in the town to the project main access.

Part 3

Amendment of State Development and Public Works Organisation Act 1971

10 Act amended

This part amends the *State Development and Public Works Organisation Act 1971*.

11 Insertion of new s 157LA

After section 157L—

insert—

157LA Effect of enforcement order related to contravention of a *SSRC Act* condition

- (1) This section applies where an enforcement order relates to the contravention of a *SSRC Act* condition.
- (2) In addition to section 157L, an enforcement order may direct a party to the proceeding for the order to stop the mining of minerals until the contravention is remedied.
- (3) In this section—

SSRC Act condition means a condition stated

under and taken to be an enforceable undertaking by operation of the *Strong and Sustainable Resource Communities Act 2017* section 7 or 11.

Part 4 **Amendment of Industrial Relations Act 2016**

12 **Act amended**

This part amends the *Industrial Relations Act 2016*.

13 **Insertion of new div 6A**

After section 303—

insert—

Division 6A Limits on restrictions imposed on workers of large resource projects

304A Definitions for this part

In this part—

agent, of an owner or a related body corporate of an owner, see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

large resource project see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

nearby regional community, for a large resource project, see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

mining camp see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

owners, of a large resource project, see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

related body corporate see the Corporations Act, section 50.

unduly intoxicated see *Liquor Act 1992*, section 9A.

worker, for a large resource project, see the *Strong and Sustainable Resource Communities Act 2017*, schedule 1.

304B Imposing unreasonable restrictions on the movement of workers of large resource projects outside of working hours

- (1) This section applies to the owner of a large resource project that has a nearby regional community.
- (2) The owner must not impose restrictions on the movement of workers outside of working hours other than restrictions that—
 - (a) are imposed for workplace health and safety purposes; and
 - (b) are reasonable in the circumstances.

Note—

This subsection is a civil penalty provision.

- (3) A restriction is not imposed for workplace health and safety purposes or reasonable in the circumstances merely because the restriction is imposed in response to or designed to mitigate the following—
 - (a) the risk of intoxication;

Example—

A restriction which prevents workers from visiting a licensed premises outside of working hours.

- (b) the risk of vehicle accident;

Example—

A restriction which prevents workers from driving to a nearby town within a reasonable distance of the mining camp the worker is staying at outside of working hours.

- (c) the risk of injury while in the community.

Example—

A restriction which prevents workers from playing rugby league football outside of working hours.

- (4) 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).

304C Imposing unreasonable restrictions on the consumption of alcohol by workers of large resource projects outside of working hours

- (1) This section applies to the owner of a large resource project that has a nearby regional community.
- (2) The owner must not impose restrictions on the consumption of alcohol by workers outside of working hours other than restrictions on workers being unduly intoxicated.

Note—

This subsection is a civil penalty provision.

- (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).

304D Imposing unreasonable restrictions on where workers permanently or temporarily reside

- (1) This section applies to the owner of a large resource project that has a nearby regional community.
- (2) The owner must not impose restrictions on where workers permanently or temporarily reside other than restrictions that are reasonable in the circumstances.
- (3) A restriction is not reasonable in the circumstances merely because the restriction is imposed in response to or designed to mitigate the risk of vehicle accident.

Example—

A restriction which prevents workers from residing at a nearby town within a reasonable distance of the site access.

14 Amendment of sch 3 (Civil penalties)

Schedule 3, under heading ‘Chapter 8—Rights and responsibilities of employees, employers, organisations etc.’, column 1, after ‘304 (Misrepresentation to engage as independent contractor)’—

insert—

, 304B(2) (Imposing unreasonable restrictions on the movement of workers of large resource projects outside of working hours), 304C(2) (Imposing unreasonable restrictions on the consumption of alcohol by workers of large resource projects outside of working hours), 304D(2) (Imposing unreasonable restrictions on where workers permanently or temporarily reside)