



New South Wales

# Revenue, Mining and Energy Legislation Amendment Bill 2023

## Explanatory note

This explanatory note relates to this Bill as introduced into Parliament.

## Overview of Bill

The objects of this Bill are—

- (a) to amend the *Duties Act 1997* to provide that the transfer of dutiable property to particular employer or employee organisations, or their trustee, is exempt from duty if the transfer is a consequence of the withdrawal of an employer or employee organisation from the amalgamation of 2 or more employer or employee organisations, and
- (b) to amend the *Coal Industry Act 2001*, the *Electricity Infrastructure Investment Act 2020*, the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022* to replace references to the Construction, Forestry, Maritime, Mining and Energy Union (the **CFMMEU**) or the Construction Forestry Mining and Energy Union (**CFMEU**) to the Mining and Energy Union (the **MEU**) as a consequence of the withdrawal of the MEU from the CFMMEU.

## Outline of provisions

**Clause 1** sets out the name, also called the short title, of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act.

**Schedule 1** amends the *Duties Act 1997*, section 65(2) to provide that the transfer of dutiable property to a registered employer or employee organisation, or their trustee, is exempt from duty if the transfer is a consequence of the withdrawal of an employer or employee organisation from the amalgamation of 2 or more registered employer or employee organisations.

**Schedule 2[3] and [4]** amend the *Coal Industry Act 2001*, section 9 and Schedule 5 to replace references to the CFMEU with references to the MEU. **Schedule 2[1] and [2]** make consequential amendments.

**Schedule 3** amends the *Electricity Infrastructure Investment Act 2020*, section 7 to replace a reference to the CFMMEU with a reference to the MEU.

**Schedule 4** amends the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, sections 28 and 69 to replace references to the CFMMEU with references to the MEU.

**Schedule 5** amends the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*, sections 164 and 168 to replace references to the CFMMEU with references to the MEU.



New South Wales

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New South Wales

# Revenue, Mining and Energy Legislation Amendment Bill 2023

No. , 2023

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## **A Bill for**

An Act to amend the *Duties Act 1997* to provide an exemption from duty on the transfer of dutiable property as a consequence of the withdrawal from an amalgamation of employer or employee organisations and to amend the *Coal Industry Act 2001*, the *Electricity Infrastructure Investment Act 2020*, the *Work Health and Safety (Mines and Petroleum Sites) Act 2013* and the *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022* to update references to particular organisations.

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**The Legislature of New South Wales enacts—**

1

**1 Name of Act**

2

This Act is the *Revenue, Mining and Energy Legislation Amendment Act 2023*.

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**2 Commencement**

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This Act commences as follows—

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- (a) Schedule 1 commences, or is taken to have commenced, on 23 October 2023,
- (b) Schedules 2–5 commence on a day or days to be appointed by proclamation,
- (c) the remaining provisions of this Act commence on the date of assent to this Act.

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<b>Schedule 1</b>	<b>Amendment of Duties Act 1997 No 123</b>	1
<b>[1]</b>	<b>Section 65 Exemptions from duty</b>	2
	Insert “, an order or certificate under Chapter 3 of the <i>Fair Work (Registered Organisations) Act 2009</i> of the Commonwealth or” after “in accordance with” in section 65(2).	3 4
<b>[2]</b>	<b>Section 65(2)</b>	5
	Omit “as a consequence of the amalgamation of two or more such associations, unions or bodies”.	6 7
	Insert instead “or its trustee, as a consequence of the amalgamation of two or more such associations, unions or bodies, or the subsequent withdrawal of an association, union or body from such an amalgamation.”.	8 9 10

<b>Schedule 2</b>	<b>Amendment of Coal Industry Act 2001 No 107</b>	1
<b>[1] Section 3 Definitions</b>		2
	Omit the definition of <i>CFMEU</i> .	3
<b>[2] Section 3</b>		4
	Insert in alphabetical order—	5
	<i>MEU</i> means the Mining and Energy Union registered under the <i>Fair Work (Registered Organisations) Act 2009</i> of the Commonwealth or any body succeeding or replacing that body.	6 7 8
<b>[3] Section 9 Minister may approve of one or more companies</b>		9
	Omit section 9(3)(a)(i). Insert instead—	10
	(i) is wholly owned in equal shares by the MEU, or by a company wholly owned by the MEU, and the Minerals Council, or a wholly-owned subsidiary of the Minerals Council, or	11 12 13
<b>[4] Schedule 5 Provisions to be included in constitution of approved company</b>		14
	Omit “CFMEU” wherever occurring in Schedule 5, clauses 5(3)(a) and (c), 5(5), 7(1)(a) and 8(1).	15 16
	Insert instead “MEU”.	17

<b>Schedule 3</b>	<b>Amendment of Electricity Infrastructure Investment Act 2020 No 44</b>	1
		2
<b>Section 7 NSW renewable energy sector board</b>		3
Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 7(2)(a)(vi).		4
		5
Insert instead “Mining and Energy Union,”.		6



<b>Schedule 4</b>	<b>Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54</b>	1
		2
<b>[1]</b>	<b>Section 28 Appointment of industry safety and health representatives</b>	3
	Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 28(2)(b).	4
		5
	Insert instead “Mining and Energy Union”.	6
<b>[2]</b>	<b>Section 69 Service of documents</b>	7
	Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 69(2)(c).	8
		9
	Insert instead “Mining and Energy Union”.	10

<b>Schedule 5</b>	<b>Amendment of Work Health and Safety (Mines and Petroleum Sites) Regulation 2022</b>	1
		2
<b>[1]</b>	<b>Section 164 Membership of Council</b>	3
	Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 164(1)(b)(i).	4
		5
	Insert instead “Mining and Energy Union”.	6
<b>[2]</b>	<b>Section 168 Membership of Board—the WHS (MPS) Act, s 65</b>	7
	Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 168(2)(a).	8
		9
	Insert instead “Mining and Energy Union”.	10