



Tabled, by leave,  
by Ms Shape  
Staffell  
Clerk of the Parliaments  
18 / 10 / 23

## REVENUE, MINING AND ENERGY LEGISLATION AMENDMENT BILL 2023

### STATEMENT OF PUBLIC INTEREST

#### **Need: Why is the policy needed based on factual evidence and stakeholder input?**

Legislative change is required to address an anomaly which sees employee and employer organisations incurring a duty liability when they withdraw from amalgamation (even though they are exempt from duty when they amalgamate). Legislative change is also required as a result of the withdrawal of the Mining and Energy Division of the Construction, Forestry, Maritime, Mining and Energy Union (CFMMEU) from the CFMMEU and its establishment as the new Mining and Energy Union (MEU). The amendments ensure that the MEU can continue to exercise functions under various statutory instruments.

#### **Objectives: What is the policy's objective couched in terms of the public interest?**

Amending the *Duties Act 1997* will ensure that when a registered employee or employer organisation withdraws from amalgamation it is exempt from duty, consistent with the existing exemption for amalgamations.

At present certain statutory instruments assign functions to the CFMMEU such as the:

- *Coal Industry Act 2001*
- *Electricity Infrastructure Investment Act 2020*
- *Work Health and Safety (Mines and Petroleum Sites) Act 2013*, and
- *Work Health and Safety (Mines and Petroleum Sites) Regulation 2022*.

However, in practice it is the Mining and Energy Division that performs these functions. Amending these instruments will allow the new MEU to continue to perform these functions. This will ensure continued representation and health and safety for workers in the mining and energy industries.

#### **Options: What alternative policies and mechanisms were considered in advance of the bill?**

The proposed legislative amendments are the only means by which the desired policy objectives may be achieved.

#### **Analysis: What were the pros/cons and benefits/costs of each option considered?**

The proposed amendment to the *Duties Act 1997* will prevent an unintended duty liability arising when registered employee or employer bodies withdraw from an amalgamation. Such events are rare. Without the remaining amendments, the MEU would not be able to perform important legislated functions.

#### **Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

The *Duties Act 1997* amendments will commence on 23 October 2023. The other amendments, updates to references to MEU, will take place upon proclamation. Revenue NSW will administer the *Duties Act 1997* changes. Mining Exploration and Geoscience, Regional NSW will administer the changes to the *Coal Industry Act 2001*, *Work Health and Safety (Mines and Petroleum Sites) Act* and *Work Health and Safety (Mines and Petroleum*

Sites) Regulation 2022. The Office of Energy and Climate Change will administer the changes to the *Electricity Infrastructure Investment Act 2020*.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

Yes. Relevant NSW Government agencies such as Mining Exploration and Geoscience, Regional NSW and Office of Energy and Climate Change were consulted.