



New South Wales

Revenue, Mining and Energy Legislation Amendment Act 2023 No 40

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Revenue, Mining and Energy Legislation Amendment Act 2023 No 40

Act No 40, 2023

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. [Assented to 30 October 2023]

The Legislature of New South Wales enacts—

1 Name of Act

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

2 Commencement

This Act commences as follows—

- (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.

Schedule 1 Amendment of Duties Act 1997 No 123

[1] Section 65 Exemptions from duty

Insert “, an order or certificate under Chapter 3 of the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth or” after “in accordance with” in section 65(2).

[2] Section 65(2)

Omit “as a consequence of the amalgamation of two or more such associations, unions or bodies”.

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.”.

Schedule 2 Amendment of Coal Industry Act 2001 No 107

[1] Section 3 Definitions

Omit the definition of *CFMEU*.

[2] Section 3

Insert in alphabetical order—

MEU means the Mining and Energy Union registered under the *Fair Work (Registered Organisations) Act 2009* of the Commonwealth or any body succeeding or replacing that body.

[3] Section 9 Minister may approve of one or more companies

Omit section 9(3)(a)(i). Insert instead—

- (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

[4] Schedule 5 Provisions to be included in constitution of approved company

Omit “CFMEU” wherever occurring in Schedule 5, clauses 5(3)(a) and (c), 5(5), 7(1)(a) and 8(1).

Insert instead “MEU”.

Schedule 3 Amendment of Electricity Infrastructure Investment Act 2020 No 44

Section 7 NSW renewable energy sector board

Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 7(2)(a)(vi).

Insert instead “Mining and Energy Union,”.

Schedule 4 Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54

[1] Section 28 Appointment of industry safety and health representatives

Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 28(2)(b).

Insert instead “Mining and Energy Union”.

[2] Section 69 Service of documents

Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 69(2)(c).

Insert instead “Mining and Energy Union”.

Schedule 5 Amendment of Work Health and Safety (Mines and Petroleum Sites) Regulation 2022

[1] Section 164 Membership of Council

Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 164(1)(b)(i).

Insert instead “Mining and Energy Union”.

[2] Section 168 Membership of Board—the WHS (MPS) Act, s 65

Omit “Construction, Forestry, Maritime, Mining and Energy Union (Mining and Energy Division)” from section 168(2)(a).

Insert instead “Mining and Energy Union”.

[Second reading speech made in—
Legislative Assembly on 11 October 2023
Legislative Council on 19 October 2023]