



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.



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Revenue, Mining and Energy Legislation Amendment Bill 2023

No. , 2023

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.

The Legislature of New South Wales enacts—

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1 Name of Act

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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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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.”.

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Schedule 2	Amendment of Coal Industry Act 2001 No 107	1
[1] Section 3 Definitions		2
	Omit the definition of <i>CFMEU</i> .	3
[2] Section 3		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
[3] Section 9 Minister may approve of one or more companies		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
[4] Schedule 5 Provisions to be included in constitution of approved company		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

Schedule 3	Amendment of Electricity Infrastructure Investment Act 2020 No 44	1
		2
Section 7 NSW renewable energy sector board		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

Schedule 4	Amendment of Work Health and Safety (Mines and Petroleum Sites) Act 2013 No 54	1
		2
[1]	Section 28 Appointment of industry safety and health representatives	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
[2]	Section 69 Service of documents	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

Schedule 5	Amendment of Work Health and Safety (Mines and Petroleum Sites) Regulation 2022	1
		2
[1]	Section 164 Membership of Council	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
[2]	Section 168 Membership of Board—the WHS (MPS) Act, s 65	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