

**FACT SHEET:**

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## Discrimination in resource projects

The *Anti-Discrimination Act 1991* makes it unlawful to discriminate against residents of towns that are near large resource projects.

### What is discrimination in resource projects?

This part of the Act (chapter 5B) is designed to protect residents of regional towns near large resource projects from being excluded from working on the projects. It also enables fly-in fly-out workers to move into the local towns if they choose, without losing their job on the project.

These provisions were passed as part of broader reforms under the *Strong and Sustainable Resources Communities Act 2017*. They prohibit large resource projects from employing a 100 per cent fly-in fly-out workforce, and are aimed at ensuring local residents have access to fair job opportunities. Large projects after 2017 are required to prioritise recruitment from local and regional communities.

There are three unique types of discrimination under chapter 5B to prevent:

- disadvantaging a local resident in a recruitment process;
- not offering work during recruitment to a person because they are a local resident; and
- dismissing a worker because they are, or became, a local resident and they choose to travel to the project other than as a fly-in fly-out worker.

The three types of discrimination are different to the traditional types of discrimination prohibited in the Act. To avoid confusion, the definitions of direct and indirect discrimination do not apply to these provisions.

In addition, workers and people applying for work at a large resource project can be asked where they live.

If you have experienced any of the discrimination listed above, you may be able to lodge a complaint with us at the Commission.

### When and where is discrimination in resource projects unlawful?

A large resource project is a project that requires an environmental impact statement or holds a site-specific environmental authority and has a workforce of 100 or more workers (or a smaller workforce decided by the Coordinator-General. There is a list of large resource projects covered by the law on the Coordinator-General's website.

- Read more about large resource projects, and find the list of which projects are included, [on the Coordinator-General's website](#).

A person is a resident of a nearby regional community if their principal place of residence is within one of the towns listed for the project. Generally, the towns are within 125 km of the main access to

the project and have a population of more than 200 people.

The Coordinator-General may decide the towns are those within a greater or smaller distance, or with a smaller population. Similarly, the Coordinator-General may declare a resource project with a smaller workforce than 100 to be a large project.

## Who is liable

The prohibitions in chapter 5B apply to owners of large resource projects, and if there is a principal contractor for the project, to the principal contractor.

The owner is responsible for discrimination by a related body corporate or an agent of either of them, and a principal contractor is responsible for discrimination by a related body corporate or an agent of either of them. Where a principal contractor is taken to have discriminated, the owner and principal contractor are jointly and severally liable.

This means that a complaint can be made against an owner, and/or a principal contractor.

## How do I prove the reason for being dismissed or not being offered work?

Job applicants and workers are not usually in a position to discover the reasons for decisions made in recruitment and work. The reason and intent is known by the decision-maker.

For complaints of not being offered work in recruitment, or being dismissed for no longer travelling by fly-in fly-out, there is a presumption that the action was taken for the prohibited reason, namely being a local resident.

It is then for the owner (and/or principal contractor) to show that the decision was not made because the person was a local resident.

## Complaints

If you have experienced discrimination you may be able to lodge a complaint with us at the Commission. Information about our complaints process is [available on our website](http://www.qhrc.qld.gov.au) (www.qhrc.qld.gov.au) or you can call our enquiry line on 1300 130 670.