



New South Wales

# Future Jobs and Investment Bill 2025

## Explanatory note

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

## Overview of Bill

The objects of this Bill are to—

- (a) establish the Future Jobs and Investment Authority (the *Authority*) and the Future Jobs and Investment Fund (the *FJI Fund*), and
- (b) provide a framework for strategic intervention to encourage economic growth and development in regions experiencing, or likely to experience, structural economic change as a result of changes in demand for coal or coal-fired power generation, including by—
  - (i) facilitating strategic planning, development and the use of land in those regions, and
  - (ii) facilitating the development of diverse and sustainable economies for those regions, and
  - (iii) supporting workers and businesses in the coal mining and coal-fired power station sectors and supply chains with workforce planning.

## Outline of provisions

### Part 1 Preliminary

**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.

**Clause 3** defines certain words and expressions used in the proposed Act.

**Clause 4** sets out the object of the proposed Act.

**Clause 5** defines *coal region*.

## **Part 2 Minister's functions**

**Clause 6** sets out the functions of the Minister.

**Clause 7** provides that the Minister must develop a governance framework to guide the administration of the FJI Fund.

**Clause 8** provides that the Minister may delegate the Minister's functions, other than the power of delegation, to the Secretary of the Department of Primary Industries and Regional Development (the *Secretary*) or persons listed as authorised persons for the purposes of the provision. The Secretary or an authorised person may subdelegate a delegated function to another authorised person with the written authorisation of the Minister.

## **Part 3 Future Jobs and Investment Authority**

### **Division 1 Establishment and status of Authority**

**Clause 9** establishes the Authority.

**Clause 10** constitutes the Authority as a corporation and a NSW Government agency.

**Clause 11** provides that the Authority is subject to the direction and control of the Minister, other than in relation to the content of recommendations or advice given by the Authority.

### **Division 2 Functions of Authority**

**Clause 12** sets out the functions of the Authority and provides that, in performing its functions, the Authority may take certain actions in relation to—

- (a) land, property, contracts and other arrangements, and
- (b) the appointment and engagement of certain persons.

**Clause 13** requires the Authority to submit a statement of business intent to the Minister and the Treasurer each financial year and sets out the mandatory particulars of the statement, including a business plan for the financial year.

**Clause 14** provides that the Authority may prepare, or the Minister may direct the Authority to prepare, a local economic structural adjustment plan for a coal region. The plan—

- (a) must be prepared following consultation with the relevant advisory committee (*local division*) and, if directed by the Minister, with a specified Public Service agency, and
- (b) must set out the projects and other matters to be given priority by the Authority in exercising its functions in relation to the coal region, and
- (c) must be submitted to the Minister for approval, and
- (d) may be amended at any time with the approval of the Minister, and
- (e) must be made in accordance with any further provisions made by the regulations made under the proposed Act.

**Clause 15** provides that advice or recommendations given by the Authority to the Minister are not binding on the Minister.

**Clause 16** deals with the application of the *Public Works and Procurement Act 1912*.

**Clause 17** provides that the Authority may delegate the Authority's functions, other than the power of delegation, to the chief executive officer of the Authority (the *chief executive officer*) or persons listed as authorised persons for the purposes of the provision. The chief executive officer or an authorised person may subdelegate a delegated function to another authorised person with the written authorisation of the Authority.

### **Division 3 Chief executive officer**

**Clause 18** provides that there must be a chief executive officer, appointed by the Governor on the recommendation of the Minister. The term of office of the chief executive officer must be not more than 5 years, and the chief executive officer is eligible for reappointment.

**Clause 19** provides that the chief executive officer is responsible for the day-to-day operations of the Authority and that an act, matter or thing done in the name of, or on behalf of, the Authority by the chief executive officer is taken to have been done by the Authority.

**Clause 20** provides that the chief executive officer is subject to the direction and control of the Minister, other than in relation to the content of recommendations or advice given by the chief executive officer.

**Clause 21** provides that the chief executive officer must be governed by a contract of employment with the Minister and may be employed on a full-time or part-time basis. The clause also deals with the application of the *Government Sector Employment Act 2013* to the employment of the chief executive officer.

**Clause 22** provides for the removal from office of the chief executive officer, at any time, for incompetence, incapacity or misbehaviour.

**Clause 23** provides for the circumstances in which the office of chief executive officer becomes vacant and requires that a person be appointed to fill the vacancy.

**Clause 24** provides for the appointment of an acting chief executive officer during the illness or absence of the chief executive officer or a vacancy in the office of chief executive officer.

**Clause 25** provides that the chief executive officer may delegate the chief executive officer's functions, other than the power of delegation, to persons listed as authorised persons for the purposes of the provision. An authorised person may subdelegate a delegated function to another authorised person with the written authorisation of the chief executive officer.

**Clause 26** provides that the regulations may make further provision about the appointment and removal of the chief executive officer.

### **Division 4 Staff and other assistance**

**Clause 27** provides that persons may be employed in the Public Service as staff of the Authority.

**Clause 28** provides that the Authority may arrange for the use of the staff, facilities or resources of government sector agencies, public authorities and local authorities to assist the Authority.

## **Part 4 Future Jobs and Investment Board**

### **Division 1 Establishment and status of Board**

**Clause 29** establishes the Future Jobs and Investment Board (the *Board*).

**Clause 30** provides that the Board is not a NSW Government agency.

**Clause 31** provides that the Board is subject to the direction and control of the Minister, other than in relation to the content of recommendations or advice given by the Board.

### **Division 2 Functions of Board**

**Clause 32** sets out the functions of the Board.

**Clause 33** provides that advice or recommendations given by the Board to the Minister or the Authority are not binding on the Minister or the Authority.

### **Division 3 Members and procedures**

**Clause 34** provides that the Board consists of the chairperson of each local division and other members appointed by the Minister in accordance with the regulations. The Minister must appoint one of the other members as chairperson of the Board, and the members are not Public Service employees.

**Clause 35** provides that the chairperson of the Board is to be known as the Future Jobs and Investment Advocate.

**Clause 36** provides for the removal from office of the chairperson of the Board at any time and for any reason, including incompetence, incapacity or misbehaviour.

**Clause 37** provides that the regulations may make further provision about—

- (a) the establishment and membership of the Board, including the appointment and removal of members, and
- (b) operational, administrative and procedural matters relating to the Board.

#### **Division 4 Annual reports and other information**

**Clause 38** requires the Board to prepare an annual report each financial year and sets out the mandatory particulars of the annual report.

**Clause 39** requires the Board to give the Minister any information about the Board's activities that the Minister requests.

### **Part 5 Local divisions**

#### **Division 1 Establishment and status**

**Clause 40** enables the Minister to establish local divisions to represent one or more coal regions.

**Clause 41** provides that a local division is not a NSW Government agency.

**Clause 42** provides that a local division is subject to the direction and control of the Minister, other than in relation to the content of recommendations or advice given by the local division.

#### **Division 2 Functions of local divisions**

**Clause 43** sets out the functions of a local division.

**Clause 44** provides that a local division may consult with local communities in the coal region that the local division represents for the purposes of giving advice or recommendations to the Minister, and that the local division must inform the Authority before and after that consultation.

**Clause 45** provides that advice or recommendations given by a local division to the Minister, the Authority or the Board are not binding on the Minister, the Authority or the Board.

#### **Division 3 Members and procedures**

**Clause 46** provides that a local division consists of members appointed by the Minister in accordance with the regulations. The Minister is to appoint one of the members as chairperson, and the members are not Public Service employees.

**Clause 47** provides that the regulations may make further provision about—

- (a) the establishment and membership of local divisions, including the appointment and removal of members, and
- (b) operational, administrative and procedural matters relating to local divisions.

### **Part 6 Future Jobs and Investment Fund**

**Clause 48** establishes the FJI Fund in the Special Deposits Account.

**Clause 49** provides that the FJI Fund is to be administered by the Secretary.

**Clause 50** sets out the amounts that may be paid into the FJI Fund, including the following—

- (a) money appropriated by Parliament for certain purposes,
- (b) money advanced by the Treasurer or directed to be paid by a Minister or an accountable authority for a GSF agency,
- (c) money gifted, bequeathed, or voluntarily contributed,

- (d) the proceeds of the investment of money in the FJI Fund,
- (e) other money directed or authorised to be paid by the proposed Act or another Act, or prescribed by the regulations.

**Clause 51** sets out the amounts that may be paid from the FJI Fund, including the following—

- (a) amounts approved by the Minister that promote the object of the proposed Act, including amounts to fund services, projects, programs and other initiatives, acquire land or procure goods and services,
- (b) amounts approved by the Minister to meet expenditure incurred by the Authority, the Board and the local divisions in the exercise of their functions,
- (c) amounts approved by the Secretary to meet the administrative and operating costs of the Authority, the Board, the local divisions and the FJI Fund and the costs of administering the proposed Act,
- (d) other amounts required or authorised by the proposed Act or another Act or prescribed by the regulations.

The clause also provides that the Minister must, before authorising certain payments—

- (a) obtain and consider written advice from the Secretary about whether the proposed payment promotes the object of the proposed Act and meets other relevant eligibility criteria, and
- (b) consider the public interest for and against making the payment.

**Clause 52** provides that the Secretary may invest money in the FJI Fund, subject to certain conditions.

**Clause 53** requires the Secretary to prepare an annual report about the activities of the FJI Fund each financial year and sets out the mandatory particulars of the annual report, including certain details about the amounts paid from the FJI Fund during the financial year.

**Clause 54** provides that the regulations may make further provision about the management and control, winding-up and administrative requirements of the FJI Fund.

## **Part 7 Workforce support**

### **Division 1 Preliminary**

**Clause 55** defines certain words and expressions used in the proposed part.

**Clause 56** provides that if a coal mine is operated under 2 or more coal mining leases that are not all held by the same person, one of the lease holders may, with the consent of the other lease holders, apply to the Authority to be appointed as the nominated lease holder for the coal mine for the purpose of preparing and giving intended closure notices, workforce plans and information about the permanent closure of the coal mine as required under the proposed part.

### **Division 2 Information about permanent closures of coal mines and coal-fired power stations**

**Clause 57** requires the holder of a coal mining lease who forms an intention to close a coal mine to give written notice (an *intended closure notice*) to the Minister of that intention, unless exempted by the Minister because of special circumstances. The clause further provides that—

- (a) the notice must be given within specified timeframes and must contain certain information, and
- (b) the Minister may require the holder to give the Minister further information about the intended closure, and
- (c) the obligation to give notice continues despite the external administration, winding-up or deregistration of the holder, and
- (d) it is an offence to not give the Minister an intended closure notice prepared in accordance with the clause within the applicable specified timeframe.

**Clause 58** provides that if a coal-fired power station operator gives, or is required to give, notice to the Australian Energy Market Operator in relation to the expected closure of the coal-fired power station under the *National Electricity Rules*, the Minister may require the operator to give the Minister information about the expected closure.

### **Division 3 Workforce planning**

**Clause 59** requires the holder of a coal mining lease to prepare and maintain a workforce plan for a coal mine operated under or in connection with the lease if the holder has given the Minister an intended closure notice for the coal mine or if the Minister orders the holder to prepare and maintain a workforce plan for the coal mine. The clause further provides that—

- (a) the workforce plan must be given within specified timeframes and must contain certain information, including the plan for transitioning the workforce of the coal mine in the lead-up to and following the closure of the coal mine, and
- (b) the Minister may require the holder to give the Minister further information in relation to the workforce plan, and
- (c) if there is more than one mine operator of the coal mine, the Authority may approve the preparation of a separate workforce plan for the workforce of each mine operator, and
- (d) it is an offence to not give the Minister a copy of the workforce plan prepared in accordance with the proposed clause within the applicable specified timeframe.

**Clause 60** requires a coal-fired power station operator to prepare and maintain a workforce plan for the coal-fired power station if the Minister orders the coal-fired power station operator to do so. The clause further provides that—

- (a) the workforce plan must be given within 90 days after the coal-fired power station operator is given the order and must contain certain information, including the plan for transitioning the workforce of the coal-fired power station in the lead-up to and following the closure of the coal-fired power station, and
- (b) the Minister may require the operator to give the Minister further information in relation to the workforce plan, and
- (c) it is an offence to not give the Minister a copy of the workforce plan prepared in accordance with the proposed clause within the 90 day timeframe.

**Clause 61** provides that the regulations may make further provision about the following—

- (a) consultation on workforce plans,
- (b) persons who are taken not to be part of the workforce of a coal mine or coal-fired power station,
- (c) updating workforce plans.

### **Division 4 Compliance and enforcement**

**Clause 62** makes it an offence to include information in an intended closure notice or a workforce plan that the person knows is false or misleading in a material particular.

**Clause 63** makes it an offence to not comply with an order (an *information direction*) to give the Minister further information about the intended closure of a coal mine, the expected closure of a coal-fired power station or a workforce plan. The clause also makes it an offence to, in purported compliance with an information direction, give information the person knows is false or misleading in a material particular. The clause further provides that—

- (a) compliance with an information direction is required even if compliance would breach a duty of confidentiality, and
- (b) a duty of confidentiality is not a reasonable excuse for failing to comply with an information direction, and
- (c) a person does not incur civil liability for a breach of confidentiality resulting from compliance with an information direction, and

- (d) for a corporation—the corporation’s obligation to comply with an information direction continues despite the external administration, winding-up or deregistration of the corporation.

**Clause 64** provides that—

- (a) the Minister may, if satisfied the holder of a coal mining lease has not complied with the holder’s obligations in relation to an intended closure notice or a workforce plan, give the holder a written notice (an *adverse publicity notice*) in relation to the non-compliance, and
- (b) an adverse publicity notice must—
- (i) include the details prescribed by the regulations, and
  - (ii) be published by the Minister in accordance with the regulations.

## **Part 8 Investigation and enforcement**

### **Division 1 Authorised officers**

**Clause 65** provides that the chief executive officer may appoint certain persons, or classes of persons, as authorised officers.

**Clause 66** sets out the purposes for which authorised officers may exercise their functions under the proposed part.

**Clause 67** provides that an authorised officer may, by written notice, require a person to give the authorised officer information or documents reasonably required by the authorised officer in connection with the functions of the Minister, the Authority or the chief executive officer under the proposed Act or the administration of the proposed Act. The clause also—

- (a) sets out the particulars that must be included in a notice, and
- (b) makes it an offence to not comply with a notice without a reasonable excuse, and
- (c) makes it an offence to, in purported compliance with a notice, give information the person knows is false or misleading in a material particular.

**Clause 68** provides that a notice issued by an authorised officer may only require a person to give information or documents in the person’s possession or within the person’s power to obtain lawfully, and that authorised officers may take copies of documents given to them.

### **Division 2 Enforcement and proceedings**

**Clause 69** sets out how proceedings for an offence against the proposed Act or the regulations may be dealt with.

**Clause 70** provides for the issuing of penalty notices by authorised officers for certain offences against the proposed Act and provides that the *Fines Act 1996* applies to those penalty notices.

**Clause 71** provides that a monetary penalty or fine imposed for an offence under the proposed Act or the regulations and recovered in proceedings must be paid into the FJI Fund.

## **Part 9 Miscellaneous**

**Clause 72** makes it an offence to disclose information obtained in connection with the administration or execution of the proposed Act, subject to certain exceptions.

**Clause 73** sets out offences relating to the misuse of certain confidential commercial information about land by persons associated with the Authority for the purposes of gaining an advantage for a person.

**Clause 74** provides for the recovery, in civil proceedings, of a loss incurred by a disadvantaged person due to a contravention of clause 73(1) or (2) from a person who gained an advantage from the contravention, whether or not there has been a prosecution or conviction relating to the contravention.

**Clause 75** provides for an exclusion from personal liability for anything done, or omitted to be done, in good faith by certain persons exercising functions under the proposed Act or the regulations. The liability instead attaches to the Crown, subject to the exclusion of the Crown from liability for anything done, or omitted to be done in good faith for the purposes of exercising a function in relation to an adverse publicity notice. The clause further provides that a person is not subject to liability for publishing, in good faith, information included in an adverse publicity notice.

**Clause 76** provides that the chief executive officer may approve forms for use under the proposed Act, and that approved forms must be published on the Authority's website.

**Clause 77** deals with permitted methods for the service of documents authorised or required by the proposed Act or the regulations to be served.

**Clause 78** provides that the Secretary may delegate the Secretary's functions, other than the power of delegation, to persons listed as authorised persons for the purposes of the provision. An authorised person may subdelegate a delegated function to another authorised person with the written authorisation of the Secretary.

**Clause 79** requires the Minister to review the proposed Act within 3 years of its commencement and to table a report on the outcome of the review in each House of Parliament within 12 months after the commencement of the review.

**Clause 80** provides for the making of regulations.

## **Schedule 1 Savings, transitional and other provisions**

**Schedule 1** contains savings, transitional and other provisions consequent on the enactment of the proposed Act, including a provision that amounts standing to the credit of the Royalties for Rejuvenation Fund must be paid into, or transferred to, the FJI Fund.

## **Schedule 2 Amendment of Mining Act 1992 No 29**

**Schedule 2** abolishes the Royalties for Rejuvenation Fund and provides that payments approved by the Secretary may be made out of the Coal Authorities Allocations Fund into the FJI Fund to meet the costs and expenses incurred in establishing, operating and administering the Authority.



New South Wales

# Future Jobs and Investment Bill 2025

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*This PUBLIC BILL, originated in the LEGISLATIVE ASSEMBLY and, having this day passed, is now ready for presentation to the LEGISLATIVE COUNCIL for its concurrence.*

*Legislative Assembly*

*Clerk of the Legislative Assembly*



New South Wales

## **Future Jobs and Investment Bill 2025**

No , 2025

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### **A Bill for**

An Act to establish the Future Jobs and Investment Authority and the Future Jobs and Investment Fund and to provide a framework for strategic intervention to encourage economic growth and development in regions experiencing, or likely to experience, structural economic change as a result of changes in demand for coal or coal-fired power generation.

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*The LEGISLATIVE COUNCIL has this day agreed to this Bill with/without amendment.*

*Legislative Council*

*Clerk of the Parliaments*

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**Tabling copy**

The Legislature of New South Wales enacts—

## Part 1 Preliminary

### 1 Name of Act

This Act is the *Future Jobs and Investment Act 2025*.

### 2 Commencement

This Act commences on a day or days to be appointed by proclamation.

### 3 Definitions

In this Act—

**authorised officer** means a person appointed as an authorised officer under section 65.

**Authority** means the Future Jobs and Investment Authority established under section 9.

**Board** means the Future Jobs and Investment Board established under section 29.

**chief executive officer** means the chief executive officer of the Authority appointed under section 18(2).

**close**, for Part 7—see section 55.

**coal-fired power station operator**, for Part 7—see section 55.

**coal mine**, for Part 7—see section 55.

**coal mining lease** means a mining lease granted under the *Mining Act 1992* in relation to minerals that includes Group 9 or Group 9A minerals within the meaning of that Act.

**coal region**—see section 5.

**development** has the same meaning as in the *Environmental Planning and Assessment Act 1979*.

**financial year** means the period of 12 months commencing on 1 July in a year.

**FJI Fund** means the Future Jobs and Investment Fund established under section 48.

**governance framework** means the governance framework developed, and as amended from time to time, by the Minister under section 7.

**intended closure notice**, for a coal mine, for Part 7—see section 55.

**local division** means a local division established under section 40.

**local economic structural adjustment plan** means a local economic structural adjustment plan for a coal region prepared by the Authority under section 14.

**mining operations**, for Part 7—see section 55.

**nominated lease holder**, for Part 7—see section 55.

**Secretary** means the Secretary of the Department.

**workforce**, for Part 7—see section 55.

**workforce plan**, for Part 7—see section 55.

**Note**— The *Interpretation Act 1987* contains definitions and other provisions that affect the interpretation and application of this Act.

### 4 Object of Act

The object of this Act is to provide a framework to plan for and manage the orderly economic adjustment of regions experiencing, or likely to experience, structural economic change as a result of changes in demand for coal or coal-fired power generation by—

(a)	facilitating strategic planning, development and the use of land in those regions, and	1 2
(b)	facilitating and supporting the development of diverse and sustainable economies for those regions, and	3 4
(c)	supporting workers and businesses in the coal mining and coal-fired power station sectors and supply chains with workforce planning.	5 6
<b>5</b>	<b>Meaning of “coal region”</b>	7
(1)	In this Act, a <i>coal region</i> means an area of the State prescribed by the regulations to be a coal region.	8 9
(2)	The Minister must not recommend the making of regulations under subsection (1) unless, in the Minister’s opinion, the area to be prescribed by the regulations is, or is likely to be, economically impacted by changes in the demand for coal or coal-fired power generation.	10 11 12 13

## Part 2 Minister's functions

### 6 Minister's functions

The Minister has the following functions—

- (a) to develop a framework to guide the administration of the FJI Fund for the purposes of this Act,
- (b) to approve the payment of certain amounts from the FJI Fund, including payments—
  - (i) to fund services, projects, programs or other initiatives that promote the object of this Act, or
  - (ii) that relate to the acquisition of land or property or the procurement of goods and services that promote the object of this Act, or
  - (iii) to meet expenditure incurred by the Authority, the Board and the local divisions in the exercise of their functions,
- (c) to make guidelines and codes of conduct in relation to the exercise of functions under this Act,
- (d) to exercise other functions conferred on the Minister under—
  - (i) this Act or the regulations, or
  - (ii) another Act or other regulations,
- (e) to do anything supplementary or incidental to, or consequential on, the exercise of the functions under paragraphs (a)–(d).

### 7 Governance framework

- (1) The Minister must develop a governance framework to guide the administration of the FJI Fund for the purposes of this Act.
- (2) The Minister may review and amend the governance framework at any time.
- (3) The Minister must publish the governance framework on a publicly available website maintained by the Department.

### 8 Delegation of functions

- (1) The Minister may delegate the exercise of a function of the Minister under this Act or another Act, other than this power of delegation, to—
  - (a) the Secretary, or
  - (b) an authorised person.
- (2) A person to whom the exercise of a function is delegated under subsection (1) may, if authorised in writing by the Minister, subdelegate the exercise of the function to an authorised person.
- (3) A reference in this section to—
  - (a) a function under this Act includes a reference to a function under the following—
    - (i) the regulations,
    - (ii) a contract under section 21,
    - (iii) a local economic structural adjustment plan,
    - (iv) the governance framework, and
  - (b) a function under another Act includes a reference to a function under regulations made under the other Act.

- |   |   |
|---|---|
| (4) In this section—                              | 1 |
| <i>authorised person</i> means—                   | 2 |
| (a) the chief executive officer, or               | 3 |
| (b) a member of staff of the Department, or       | 4 |
| (c) another person prescribed by the regulations. | 5 |

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	(a) a corporation, and	7
	(b) a NSW Government agency.	8
	<b>Note—</b> See the <i>Interpretation Act 1987</i> , section 13A, which provides that a NSW Government agency has the status, privileges and immunities of the Crown.	9
		10
<b>11</b>	<b>Ministerial control</b>	11
	The Authority is subject to the direction and control of the Minister in the exercise of the Authority's functions, other than in relation to the content of recommendations or advice given by the Authority.	12
		13
		14
<b>Division 2</b>	<b>Functions of Authority</b>	15
<b>12</b>	<b>Functions of Authority</b>	16
(1)	The Authority has the following functions—	17
(a)	to promote investment in coal regions, including the development and use of land and infrastructure in coal regions,	18
		19
(b)	to facilitate and carry out the development of land and infrastructure in coal regions,	20
		21
(c)	to support strategic planning activities and coordinate and facilitate master planning activities for sites in coal regions,	22
		23
(d)	to promote and attract investment to support employment in coal regions,	24
(e)	to coordinate support for workers and businesses in the coal mining and coal-fired power station sectors and supply chains,	25
		26
(f)	to consult local divisions when preparing local economic structural adjustment plans for coal regions,	27
		28
(g)	to support the growth of other existing industries and the development of new industries in coal regions,	29
		30
(h)	to engage with local communities, industries and stakeholders in relation to the activities of the Authority,	31
		32
(i)	to conduct reviews, give advice and make recommendations about key issues relating to changes in demand for coal or coal-fired power generation,	33
		34
(j)	to exercise other functions conferred on the Authority under—	35
(i)	this Act or the regulations, or	36
(ii)	another Act or other regulations.	37
(2)	Without limiting subsection (1), the Authority may exercise its functions in relation to land in a coal region regardless of whether the land has, at any time, been used for coal mining, coal-fired power generation or other coal-related purposes.	38
		39
		40
(3)	In performing its functions, the Authority may do the following—	41
(a)	acquire, hold, deal with or dispose of land or property,	42

(b)	enter into contracts, joint ventures and other arrangements, including with the following—	1
(i)	land owners,	2
(ii)	developers,	3
(iii)	Commonwealth and State or Territory government agencies,	4
(iv)	local councils in coal regions,	5
(c)	appoint agents and attorneys,	6
(d)	engage consultants and experts,	7
(e)	do anything supplementary or incidental to, or consequential on, the exercise of the Authority's functions.	8
13	<b>Annual statement of business intent</b>	9
(1)	The Authority must, for each financial year, prepare a statement of business intent.	10
(2)	The statement of business intent must—	11
(a)	set out the business plan of the Authority for the financial year to which the plan relates, and	12
(b)	include details of the following matters—	13
(i)	the Authority's business objectives,	14
(ii)	the nature and scope of the activities the Authority intends to undertake,	15
(iii)	the key performance measures and targets for the Authority,	16
(iv)	the accounting and reporting policies and practices to be used by the Authority,	17
(v)	other matters required by the Minister or prescribed by the regulations.	18
(3)	The Authority must submit the statement of business intent to the Minister and the Treasurer—	19
(a)	by 1 May immediately preceding the start of the financial year to which the statement relates, and	20
(b)	at other times directed by the Minister.	21
(4)	If the Minister or the Treasurer is not satisfied with a statement of business intent submitted under this section, the Minister may, by written notice, direct the Authority to amend and resubmit the statement in the way and by the time specified in the notice.	22
14	<b>Local economic structural adjustment plans</b>	23
(1)	The Authority may prepare a local economic structural adjustment plan for a coal region on its own initiative.	24
(2)	The Minister may direct the Authority to prepare a local economic structural adjustment plan for a coal region.	25
(3)	The Authority must, if directed by the Minister, prepare a local economic structural adjustment plan for a coal region.	26
(4)	The local economic structural adjustment plan for a coal region must—	27
(a)	be prepared following consultation with the relevant local division, and	28
(b)	set out the projects and other matters to be given priority by the Authority in exercising its functions in relation to the coal region.	29
(5)	The Minister may direct the Authority to prepare the local economic structural adjustment plan in consultation with a specified Public Service agency.	30

(6)	The Authority must submit the local economic structural adjustment plan to the Minister for approval.	1 2
(7)	The local economic structural adjustment plan takes effect once approved by the Minister.	3 4
(8)	The Authority may, at any time with the approval of the Minister, amend a local economic structural adjustment plan.	5 6
(9)	The regulations may make further provision in relation to local economic structural adjustment plans, including about the following—	7 8
	(a) preparing and approving plans,	9
	(b) consulting on plans,	10
	(c) amending, reviewing and updating plans.	11
(10)	In this section—	12
	<i>Public Service agency</i> has the same meaning as in the <i>Government Sector Employment Act 2013</i> .	13 14
<b>15</b>	<b>Advice and recommendations not binding</b>	15
	Advice or recommendations given by the Authority to the Minister are not binding on the Minister.	16 17
<b>16</b>	<b>Application of Public Works and Procurement Act 1912</b>	18
(1)	For the <i>Public Works and Procurement Act 1912</i> —	19
	(a) the acquisition of land under this Act, section 12(3), is taken to be for an authorised work, and	20 21
	(b) the Authority is, in relation to the authorised work, taken to be the Constructing Authority.	22 23
(2)	The <i>Public Works and Procurement Act 1912</i> , sections 34–37 do not apply to works constructed under this Act.	24 25
<b>17</b>	<b>Delegation of functions</b>	26
(1)	The Authority may delegate the exercise of a function of the Authority under this Act or another Act, other than this power of delegation, to—	27 28
	(a) the chief executive officer, or	29
	(b) an authorised person.	30
(2)	A person to whom the exercise of a function is delegated under subsection (1) may, if authorised in writing by the Authority, subdelegate the exercise of the function to an authorised person.	31 32 33
(3)	A reference in this section to—	34
	(a) a function under this Act includes a reference to a function under the following—	35 36
	(i) the regulations,	37
	(ii) a local economic structural adjustment plan,	38
	(iii) the governance framework, and	39
	(b) a function under another Act includes a reference to a function under regulations made under the other Act.	40 41
(4)	In this section—	42
	<i>authorised person</i> means—	43

(a)	a member of staff of the Authority, or	1
(b)	another person prescribed by the regulations.	2
<b>Division 3</b>	<b>Chief executive officer</b>	3
<b>18</b>	<b>Appointment and term of office</b>	4
(1)	There must be a chief executive officer of the Authority.	5
(2)	The chief executive officer is appointed by the Governor on the recommendation of the Minister.	6 7
(3)	The chief executive officer holds office for the term, not more than 5 years, specified in the chief executive officer's instrument of appointment.	8 9
(4)	The chief executive officer is eligible for reappointment.	10
<b>19</b>	<b>Role and function of chief executive officer</b>	11
(1)	The chief executive officer is responsible for the day-to-day operations of the Authority.	12 13
(2)	An act, matter or thing done in the name of, or on behalf of, the Authority by the chief executive officer is taken to have been done by the Authority.	14 15
<b>20</b>	<b>Ministerial control</b>	16
	The chief executive officer is subject to the direction and control of the Minister in the performance and exercise of the chief executive officer's role and functions, other than in relation to the content of recommendations or advice given by the chief executive officer.	17 18 19 20
<b>21</b>	<b>Employment conditions and remuneration</b>	21
(1)	The employment of the chief executive officer must, subject to this Act, be governed by a contract of employment between the chief executive officer and the Minister.	22 23
(2)	The chief executive officer's contract of employment may provide for the employment of the chief executive officer on a full-time or part-time basis.	24 25
(3)	The chief executive officer is not a Public Service employee under the <i>Government Sector Employment Act 2013</i> and the provisions of that Act relating to the employment of Public Service employees do not apply to the chief executive officer, except as provided by this section.	26 27 28 29
(4)	The following provisions of or made under the <i>Government Sector Employment Act 2013</i> relating to the employment of Public Service senior executives apply to the chief executive officer—	30 31 32
(a)	provisions relating to the band in which an executive must be employed,	33
(b)	provisions relating to the contract of employment of an executive,	34
(c)	provisions relating to the remuneration, employment benefits and allowances of an executive.	35 36
(5)	For subsection (4), a reference in the provisions to the employer of a Public Service senior executive is taken to be a reference to the Minister.	37 38
(6)	Without limiting subsection (4)(b), the provisions of or made under the <i>Government Sector Employment Act 2013</i> that prescribe a model contract of employment for statutory officers, including provisions that specify mandatory model provisions, apply to the chief executive officer's contract of employment.	39 40 41 42

<b>22</b>	<b>Removal from office</b>	1
(1)	The Minister may remove the chief executive officer from office, at any time, for incompetence, incapacity or misbehaviour.	2 3
(2)	To avoid doubt, the <i>Government Sector Employment Act 2013</i> , Part 6 applies in relation to the chief executive officer.	4 5
	<b>Note</b> — Under the <i>Government Sector Employment Act 2013</i> , Part 6, the Governor may remove the chief executive officer from office at any time for any or no stated reason and without notice.	6 7 8
<b>23</b>	<b>Vacancy in office</b>	9
(1)	The office of chief executive officer becomes vacant—	10
(a)	if the chief executive officer—	11
(i)	dies, or	12
(ii)	completes a term of office and is not reappointed, or	13
(iii)	resigns from office by written notice to the Minister, or	14
(iv)	is removed from office by—	15
(A)	the Governor under the <i>Government Sector Employment Act 2013</i> , Part 6, or	16 17
(B)	the Minister under section 22(1), or	18
(v)	becomes personally insolvent, or	19
(vi)	becomes a mentally incapacitated person, or	20
(vii)	is convicted—	21
(A)	in New South Wales of an offence punishable by imprisonment for 12 months or more, or	22 23
(B)	elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence punishable by imprisonment for 12 months or more, or	24 25 26
(b)	in other circumstances prescribed by the regulations.	27
(2)	If the office of chief executive officer becomes vacant, a person must, subject to this Act, be appointed to fill the vacancy.	28 29
<b>24</b>	<b>Acting chief executive officer</b>	30
(1)	The Minister may appoint a person to act as chief executive officer during—	31
(a)	the illness or absence of the chief executive officer, or	32
(b)	a vacancy in the office of chief executive officer.	33
(2)	A person acting as chief executive officer—	34
(a)	has and may exercise the chief executive officer’s functions, and	35
(b)	is taken to be the chief executive officer.	36
(3)	The Minister may, at any time, remove a person from office as acting chief executive officer.	37 38
(4)	An acting chief executive officer is entitled to be paid the remuneration and allowances determined by the Minister.	39 40
<b>25</b>	<b>Delegation of functions</b>	41
(1)	The chief executive officer may delegate the exercise of a function of the chief executive officer under this Act or another Act, other than this power of delegation, to an authorised person.	42 43 44

(2)	An authorised person to whom the exercise of a function is delegated under subsection (1) may, if authorised in writing by the chief executive officer, subdelegate the exercise of the function to another authorised person.	1 2 3
(3)	A reference in this section to—	4
(a)	a function under this Act includes a reference to a function under the following—	5 6
(i)	the regulations,	7
(ii)	a local economic structural adjustment plan,	8
(iii)	the governance framework, and	9
(b)	a function under another Act includes a reference to a function under regulations made under the other Act.	10 11
(4)	In this section—	12
	<i>authorised person</i> means—	13
(a)	a member of staff of the Authority, or	14
(b)	another person prescribed by the regulations.	15
<b>26</b>	<b>Regulations about chief executive officer</b>	16
	The regulations may make further provision about the following—	17
(a)	the appointment of the chief executive officer, including the term of appointment, employment conditions and remuneration,	18 19
(b)	the removal of the chief executive officer from office.	20
<b>Division 4</b>	<b>Staff and other assistance</b>	21
<b>27</b>	<b>Staff of Authority</b>	22
	Persons may be employed in the Public Service under the <i>Government Sector Employment Act 2013</i> to enable the Authority to exercise the Authority's functions.	23 24
	<b>Note—</b> The <i>Government Sector Employment Act 2013</i> , section 59 provides that persons employed in the Public Service to enable the Authority to exercise the Authority's functions, or whose services the Authority makes use of, may be referred to as officers or employees, or members of staff, of the Authority. The <i>Constitution Act 1902</i> , section 47A precludes the Authority from employing staff.	25 26 27 28 29
<b>28</b>	<b>Other assistance</b>	30
(1)	The Authority may arrange for the use of the services of staff, by secondment or otherwise, facilities or other resources of—	31 32
(a)	a government sector agency, or	33
(b)	a public authority or local authority.	34
(2)	In this section—	35
	<i>government sector agency</i> has the same meaning as in the <i>Government Sector Employment Act 2013</i> .	36 37

<b>Part 4</b>	<b>Future Jobs and Investment Board</b>	1
<b>Division 1</b>	<b>Establishment and status of Board</b>	2
<b>29</b>	<b>Establishment of Board</b>	3
	The Future Jobs and Investment Board is established.	4
<b>30</b>	<b>Status of Board</b>	5
	The Board is not a NSW Government agency.	6
<b>31</b>	<b>Ministerial control</b>	7
	The Board is subject to the direction and control of the Minister in the exercise of the Board's functions, other than in relation to the content of recommendations or advice given by the Board.	8 9 10
<b>Division 2</b>	<b>Functions of Board</b>	11
<b>32</b>	<b>Functions of Board</b>	12
(1)	The Board has the following functions—	13
(a)	to give advice to the Minister and the Authority about the following—	14
(i)	matters that promote or relate to the object of this Act,	15
(ii)	the strategic priorities of the Authority,	16
(iii)	other matters referred to the Board by the Minister or the Authority,	17
(b)	to engage with the local divisions in relation to proposed activities or investments in the coal regions the local divisions represent,	18 19
(c)	to exercise other functions conferred on the Board under—	20
(i)	this Act or the regulations, or	21
(ii)	another Act or other regulations,	22
(d)	to do anything supplementary or incidental to, or consequential on, the exercise of the Board's functions under paragraphs (a)–(c).	23 24
(2)	The regulations may limit, or impose conditions on, the Board in the exercise of the Board's functions.	25 26
<b>33</b>	<b>Advice and recommendations not binding</b>	27
	Advice or recommendations given by the Board to the Minister or the Authority are not binding on the Minister or the Authority.	28 29
<b>Division 3</b>	<b>Members and procedures</b>	30
<b>34</b>	<b>Members</b>	31
(1)	The Board consists of the following members—	32
(a)	the chairperson of each local division from time to time,	33
(b)	other members appointed by the Minister in accordance with the regulations.	34
(2)	Of the members appointed under subsection (1)(b), the Minister must, in and by the instrument of appointment or another instrument, appoint one as chairperson of the Board.	35 36 37
(3)	A member is not a Public Service employee and the provisions of the following Acts do not apply in relation to the member—	38 39

(a)	the <i>Government Sector Employment Act 2013</i> ,	1
(b)	the <i>Statutory and Other Offices Remuneration Act 1975</i> .	2
<b>35</b>	<b>Future Jobs and Investment Advocate</b>	3
	The member appointed as chairperson of the Board under section 34(2) is to be known as the Future Jobs and Investment Advocate while appointed as chairperson.	4 5
<b>36</b>	<b>Removal of chairperson of Board from office</b>	6
	The Minister may remove the chairperson of the Board from office at any time and for any reason, including incompetence, incapacity or misbehaviour.	7 8
<b>37</b>	<b>Regulations about members and procedures</b>	9
	The regulations may make further provision about the following—	10
(a)	the establishment and membership of the Board, including eligibility requirements, terms and conditions of appointment and removal of members from office,	11 12 13
(b)	operational, administrative and procedural matters relating to the Board.	14
<b>Division 4</b>	<b>Annual reports and other information</b>	15
<b>38</b>	<b>Annual reports</b>	16
(1)	The Board must, for each financial year, prepare an annual report about the Board's activities that includes the following—	17 18
(a)	details of the advice given to the Minister and the Authority during the relevant financial year,	19 20
(b)	other matters prescribed by the regulations.	21
(2)	Each annual report must be published—	22
(a)	on the Authority's website, and	23
(b)	in accordance with any other requirements prescribed by the regulations.	24
<b>39</b>	<b>Giving of other information</b>	25
	The Board must give the Minister any other information about the Board's activities that the Minister asks for from time to time.	26 27

<b>Part 5</b>	<b>Local divisions</b>	1
<b>Division 1</b>	<b>Establishment and status of local divisions</b>	2
<b>40</b>	<b>Establishment of local divisions</b>	3
	The Minister may, by written order, establish advisory committees ( <i>local divisions</i> ) to represent one or more coal regions.	4 5
<b>41</b>	<b>Status of local divisions</b>	6
	A local division is not a NSW Government agency.	7
<b>42</b>	<b>Ministerial control</b>	8
	A local division is subject to the direction and control of the Minister in the exercise of the local division's functions, other than in relation to the content of recommendations or advice given by the local division.	9 10 11
<b>Division 2</b>	<b>Functions of local divisions</b>	12
<b>43</b>	<b>Functions of local divisions</b>	13
(1)	A local division has the following functions—	14
(a)	to engage with and consult local communities in the coal region the local division represents about matters relevant to the object of this Act,	15 16
(b)	to consider reviews, give advice and make recommendations about key issues and strategies relating to changes in the demand for coal or coal-fired power generation in the coal region the local division represents,	17 18 19
(c)	to give advice or make recommendations about other matters referred to the local division by the Minister, the Authority or the Board,	20 21
(d)	to participate in consultation undertaken by the Authority during the Authority's preparation of local economic structural adjustment plans for coal regions,	22 23 24
(e)	to exercise other functions conferred on the local division under—	25
(i)	this Act or the regulations, or	26
(ii)	another Act or other regulations,	27
(f)	to do anything supplementary or incidental to, or consequential on, the exercise of the local division's functions under paragraphs (a)–(e).	28 29
(2)	The regulations may limit, or impose conditions on, a local division in the exercise of its functions.	30 31
<b>44</b>	<b>Information about consultation with local communities</b>	32
(1)	For the purposes of giving advice or making recommendations to the Minister or the Authority, a local division may consult with local communities in the coal region the local division represents.	33 34 35
(2)	The local division must—	36
(a)	before undertaking the consultation, give the Authority details of the proposed consultation, and	37 38
(b)	after completing the consultation, give the Authority details of the outcomes of the consultation.	39 40

<b>45</b>	<b>Advice and recommendations not binding</b>	1
	Advice or recommendations given by a local division to the Minister, the Authority or the Board are not binding on the Minister, the Authority or the Board.	2 3
<b>Division 3</b>	<b>Members and procedures</b>	4
<b>46</b>	<b>Membership of local divisions</b>	5
(1)	A local division consists of members appointed by the Minister in accordance with the regulations.	6 7
(2)	The Minister must, in and by the instrument of appointment or another instrument, appoint one of the members as chairperson of the local division.	8 9
(3)	A member is not a Public Service employee and the provisions of the following Acts do not apply in relation to the member—	10 11
	(a) the <i>Government Sector Employment Act 2013</i> ,	12
	(b) the <i>Statutory and Other Offices Remuneration Act 1975</i> .	13
<b>47</b>	<b>Regulations about members and procedures</b>	14
	The regulations may make further provision about the following—	15
(a)	the establishment and membership of local divisions, including eligibility requirements, terms and conditions of appointment and removal of members,	16 17
(b)	operational, administrative and procedural matters relating to local divisions.	18

<b>Part 6</b>	<b>Future Jobs and Investment Fund</b>	1
<b>48</b>	<b>Establishment of FJI Fund</b>	2
	The Future Jobs and Investment Fund must be established in the Special Deposits Account.	3 4
<b>49</b>	<b>Administration of FJI Fund</b>	5
	The FJI Fund must be administered by the Secretary.	6
<b>50</b>	<b>Payments into FJI Fund</b>	7
(1)	The following amounts may be paid into the FJI Fund—	8
(a)	money appropriated by Parliament—	9
(i)	for the purposes of the FJI Fund, or	10
(ii)	to the Treasurer for the general purposes of the Government and directed by the Treasurer to be paid into the FJI Fund,	11 12
(b)	money advanced by the Treasurer for the FJI Fund,	13
(c)	money gifted or bequeathed for the purposes of the FJI Fund,	14
(d)	money directed by one of the following to be paid into the FJI Fund—	15
(i)	a Minister,	16
(ii)	an accountable authority for a GSF agency,	17
(e)	money paid into the FJI Fund by another person as a voluntary contribution,	18
(f)	the proceeds of the investment of money in the FJI Fund,	19
(g)	other money directed or authorised to be paid into the FJI Fund by or under this Act or another Act,	20 21
(h)	an amount, or an amount of a class, prescribed by the regulations.	22
(2)	In this section—	23
	<i>accountable authority</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	24 25
	<i>GSF agency</i> has the same meaning as in the <i>Government Sector Finance Act 2018</i> .	26
<b>51</b>	<b>Payments from FJI Fund</b>	27
(1)	The following amounts may be paid from the FJI Fund—	28
(a)	amounts approved by the Minister that promote the object of this Act, including amounts—	29 30
(i)	to fund services, projects, programs or other initiatives that promote the object of this Act, or	31 32
(ii)	that relate to the acquisition of land or property or the procurement of goods and services that promote the object of this Act,	33 34
(b)	amounts approved by the Minister to meet expenditure incurred by the following entities in the exercise of the entity’s functions—	35 36
(i)	the Authority,	37
(ii)	the Board,	38
(iii)	the local divisions,	39
(c)	amounts approved by the Secretary to meet the following—	40
(i)	the administrative and operating costs of the Authority, the Board, the local divisions and the FJI Fund, including the remuneration,	41 42

allowances and administrative expenses of the chief executive officer, members of the Board and members of the local divisions,	1
(ii) the costs of administering this Act,	2
(d) other amounts required or authorised by this Act or another Act to be paid from the FJI Fund,	3
(e) an amount, or an amount of a class, prescribed by the regulations.	4
(2) The Minister may determine the form in which the payment of amounts under subsection (1)(a) may be made.	5
(3) The Minister must not approve the payment of an amount from the FJI Fund under subsection (1)(a) unless the Minister—	6
(a) has obtained, and considered, written advice from the Secretary about the proposed payment, including about whether the payment—	7
(i) promotes the object of this Act, and	8
(ii) complies with relevant eligibility criteria issued and made publicly available by the Secretary for this section, and	9
(b) has considered the public interest for and against making the payment.	10
<b>52 Investment of money in FJI Fund</b>	11
The Secretary may invest money in the FJI Fund—	12
(a) if the Department is a GSF agency for the <i>Government Sector Finance Act 2018</i> , Part 6—in a way the Department is permitted to invest money under that part, or	13
(b) otherwise—in a way approved by the Treasurer.	14
<b>53 Annual reports</b>	15
(1) The Secretary must, for each financial year, prepare an annual report about the activities of the FJI Fund that includes details of the following—	16
(a) the amounts paid from the FJI Fund during the financial year to which the report relates,	17
(b) the purposes for which the payments were made,	18
(c) the coal regions in or to which the payments were applied or directed,	19
(d) a summary of advice obtained by the Minister under section 51(3)(a),	20
(e) other matters prescribed by the regulations.	21
(2) The Secretary must not include information in the annual report that, in the Secretary's opinion, is—	22
(a) commercial in confidence, or	23
(b) personal information within the meaning of the <i>Privacy and Personal Information Protection Act 1998</i> , or	24
(c) otherwise inappropriate to include in the report, including because—	25
(i) the information is not in the public domain and the publication of the information would cause detriment to a person, or	26
(ii) it would not be in the public interest to include the information.	27
(3) The annual report may be included in the annual report of the Department for the relevant financial year.	28

**54 Regulations about FJI Fund**

1

The regulations may make further provision about the FJI Fund, including the following—

2

3

(a) the management and control of the FJI Fund,

4

(b) the winding-up of the FJI Fund,

5

(c) administrative requirements, including criteria, that apply in relation to the payment of amounts out of the FJI Fund.

6

7

## Part 7 Workforce support

### Division 1 Preliminary

#### 55 Definitions

In this part—

**close** means—

- (a) in relation to a coal mine—to permanently end the extraction of coal at the mine, or
- (b) in relation to a coal-fired power station—to end the supply of electricity, generated from coal, from the station to the relevant transmission network or distribution network.

**coal-fired power station operator** means a corporation that owns or operates, whether alone or jointly, one or more parts of a coal-fired power station.

**coal mine** means—

- (a) a place that is a colliery holding registered under the *Mining Act 1992*, section 163, or
- (b) a place at which mining operations, within the meaning of the *Mining Act 1992*, to extract coal are carried out under or in connection with one or more coal mining leases.

**intended closure notice**, for a coal mine, means a notice relating to the intended closure of the coal mine given to the Minister under section 57(2).

**mining operations** has the same meaning as in the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*.

**nominated lease holder**, for a coal mine, means a person approved as the nominated lease holder for the coal mine under section 56(4)(a).

**workforce** means the following persons—

- (a) of a coal mine—
  - (i) persons employed at the coal mine by the holder of a coal mining lease under or in connection with which the coal mine is operated, and
  - (ii) persons otherwise employed or engaged to carry out mining operations at the coal mine, and
  - (iii) other persons prescribed by the regulations,
- (b) of a coal-fired power station—
  - (i) persons employed at the coal-fired power station by the coal-fired power station operator, and
  - (ii) other persons prescribed by the regulations.

**Note**— The regulations may prescribe persons who are taken not to be part of the workforce of a coal mine or a coal-fired power station for the purposes of workforce plans—see section 61(b).

**workforce plan** means—

- (a) for a coal mine—a plan for the coal mine prepared by the holder of a coal mining lease under section 59, or
- (b) for a coal-fired power station—a plan for the coal-fired power station prepared by the coal-fired power station operator under section 60.

#### 56 Nominated lease holders for coal mines

- (1) This section applies if—

- (a) a coal mine is operated under or in connection with 2 or more coal mining leases, and 1
  - (b) the coal mining leases are not all held by the same person. 2
- (2) The holder of one of the coal mining leases (the *applicant*) may, with the written consent of all the holders of the other coal mining leases, apply to the Authority to be the nominated lease holder for the coal mine for this part. 3
- (3) The application must— 4
  - (a) be in the form approved by the Authority, and 5
  - (b) include— 6
    - (i) information prescribed by the regulations, and 7
    - (ii) other information required by the Authority to assess the application. 8
- (4) The Authority must, within 14 days after receiving the application, decide to— 9
  - (a) approve the applicant as the nominated lease holder for the coal mine, or 10
  - (b) refuse to approve the applicant as the nominated lease holder for the coal mine. 11
- (5) The Authority must give the applicant written notice of the decision under subsection (4) as soon as practicable after making the decision. 12
- (6) The regulations may make further provision about applications under this section. 13

## **Division 2 Information about permanent closures of coal mines and coal-fired power stations** 18

### **57 Requirement to give information about intended closures of coal mines** 20

- (1) This section applies if the holder of a coal mining lease forms an intention to close a coal mine operated under or in connection with the coal mining lease. 21
- (2) The holder must give the Minister written notice, prepared in accordance with this section, of the intended closure of the coal mine— 22
  - (a) if the intended closure date is less than 3 years after the holder forms the intention to close the coal mine—as soon as reasonably practicable after forming the intention to close the coal mine, or 23
  - (b) otherwise—as soon as reasonably practicable after forming the intention to close the coal mine and no later than 3 years before the intended closure date. 24
- Maximum penalty— 25
  - (a) for an individual—60 penalty units, or 26
  - (b) otherwise—300 penalty units. 27
- (3) The notice must— 28
  - (a) be in the form approved by the Minister, and 29
  - (b) include— 30
    - (i) the intended closure date for the coal mine, and 31
    - (ii) other information prescribed by the regulations. 32
- (4) The Minister may exempt the holder from the requirement to give the notice in accordance with subsection (2) if satisfied there are special circumstances. 33
- (5) The Minister may, by written order, require the holder to give the Minister further information, specified in the order, in relation to the intended closure of the coal mine. 34

(6)	An order under subsection (5) must specify the date by which the holder must give the Minister the information.	1 2
(7)	If the holder is a corporation, the obligation to give notice or information under this section continues despite—	3 4
(a)	an external administrator having been appointed for the holder, or	5
(b)	a winding-up of the holder having commenced, or	6
(c)	the holder having lodged an application for deregistration, or	7
(d)	the holder having received a notice of proposed deregistration, or	8
(e)	a court having ordered the deregistration of the holder.	9
(8)	If there is a nominated lease holder for the coal mine, an obligation or requirement of the holder under this section is satisfied if the obligation or requirement is met by the nominated lease holder for the coal mine.	10 11 12
(9)	In this section—	13
	<i>intended closure date</i> , for a coal mine, means the date on which the holder of the coal mining lease under which the mine is operated intends or expects to close the coal mine.	14 15 16
<b>58</b>	<b>Minister may require information about expected closures of coal-fired power stations</b>	17 18
(1)	This section applies in relation to a coal-fired power station operator who gives, or is required to give, notice to the AEMO under the <i>National Electricity Rules</i> , rule 2.1B.3 in relation to the coal-fired power station.	19 20 21
(2)	The Minister may, by written order, require the coal-fired power station operator to give the Minister information, specified in the order, about the expected closure of the coal-fired power station.	22 23 24
(3)	The order must specify the date by which the coal-fired power station operator must give the Minister the information.	25 26
(4)	In this section—	27
	<i>AEMO</i> has the same meaning as in the <i>Electricity Infrastructure Investment Act 2020</i> .	28 29
	<i>National Electricity Rules</i> has the same meaning as in the <i>National Electricity (NSW) Law</i> .	30 31
<b>Division 3</b>	<b>Workforce planning</b>	32
<b>59</b>	<b>Requirement to prepare and maintain workforce plans—coal mines</b>	33
(1)	The holder of a coal mining lease who gives the Minister an intended closure notice for a coal mine operated under or in connection with the lease must prepare and maintain a workforce plan for the coal mine in accordance with this division.	34 35 36
(2)	The Minister may, at any time by written order, require the holder of a coal mining lease to prepare and maintain a workforce plan for a coal mine operated under or in connection with the lease in accordance with this division.	37 38 39
(3)	The workforce plan for the coal mine must—	40
(a)	be in the form approved by the Minister, and	41
(b)	outline the plan for transitioning the workforce of the coal mine in the lead-up to and following the closure of the coal mine, and	42 43
(c)	otherwise be prepared in accordance with the regulations.	44

(4)	The holder must give the Minister a copy of the workforce plan for the coal mine, prepared in accordance with this section—	1 2
(a)	for a workforce plan required to be prepared under subsection (1)—within 90 days after the holder gives the Minister the intended closure notice for the coal mine, or	3 4 5
(b)	for a workforce plan required to be prepared by order of the Minister under subsection (2)—within 90 days after the Minister gives the holder the order.	6 7
	Maximum penalty—	8
(a)	for an individual—60 penalty units, or	9
(b)	otherwise—300 penalty units.	10
(5)	The Minister may, by written order, require the holder to give the Minister further information, specified in the order, in relation to the workforce plan for the coal mine.	11 12
(6)	An order under subsection (5) must specify the date by which the holder must give the Minister the further information.	13 14
(7)	If there is a nominated lease holder for the coal mine, a requirement of the holder under this section is satisfied if the requirement is met by the nominated lease holder for the coal mine.	15 16 17
(8)	If there is more than one mine operator appointed in relation to the coal mine, the Authority may, in accordance with the regulations, approve the preparation of separate workforce plans for each workforce for which the mine operators are responsible.	18 19 20 21
(9)	In this section—	22
	<i>mine operator</i> means a mine operator of the coal mine under the <i>Work Health and Safety (Mines and Petroleum Sites) Act 2013</i> .	23 24
<b>60</b>	<b>Requirement to prepare and maintain workforce plans—coal-fired power stations</b>	25
(1)	The Minister may, at any time by written order, require a coal-fired power station operator to prepare and maintain a workforce plan for the coal-fired power station in accordance with this division.	26 27 28
(2)	The workforce plan for the coal-fired power station must—	29
(a)	be in the form approved by the Minister, and	30
(b)	outline the plan for transitioning the workforce of the coal-fired power station in the lead-up to and following the closure of the coal-fired power station, and	31 32
(c)	otherwise be prepared in accordance with the regulations.	33
(3)	The coal-fired power station operator must give the Minister a copy of the workforce plan for the coal-fired power station, prepared in accordance with this section, within 90 days after being given the order under subsection (1).	34 35 36
	Maximum penalty—300 penalty units.	37
(4)	The Minister may, by written order, require the coal-fired power station operator to give the Minister further information, specified in the order, in relation to the workforce plan for the coal-fired power station.	38 39 40
(5)	An order under subsection (4) must specify the date by which the coal-fired power station operator must give the Minister the further information.	41 42
<b>61</b>	<b>Regulations about workforce plans</b>	43
	The regulations may make further provision about the following—	44

- (a) consultation required to be undertaken in relation to workforce plans for coal mines or coal-fired power stations, 1  
2
- (b) persons who are taken not to be part of the workforce of a coal mine or coal-fired power station for this division, 3  
4
- (c) updating workforce plans for coal mines or coal-fired power stations. 5

#### **Division 4 Compliance and enforcement** 6

##### **62 False or misleading information in intended closure notices or workforce plans** 7

A person must not include information in an intended closure notice or a workforce plan the person knows is false or misleading in a material particular. 8  
9

Maximum penalty— 10

- (a) for an individual—60 penalty units, or 11
- (b) otherwise—300 penalty units. 12

##### **63 Persons must comply with information directions** 13

- (1) A person must comply with an information direction given to the person unless the person has a reasonable excuse. 14  
15

Maximum penalty— 16

- (a) for an individual—60 penalty units, or 17
- (b) otherwise—300 penalty units. 18

- (2) A person must not, in purported compliance with an information direction given to the person, give information the person knows is false or misleading in a material particular. 19  
20  
21

Maximum penalty— 22

- (a) for an individual—60 penalty units, or 23
- (b) otherwise—300 penalty units. 24

- (3) For subsection (1)— 25

- (a) compliance with the information direction is required even if compliance would breach a duty of confidentiality, and 26  
27
- (b) a duty of confidentiality is not a reasonable excuse for failing to comply with the information direction. 28  
29

- (4) A person does not incur civil liability for a breach of a duty of confidentiality in relation to information to the extent the duty was breached because the person, acting in good faith, gave the information in compliance with an information direction. 30  
31  
32

- (5) If the person is a corporation, the person's obligation to comply with the information direction under this section continues despite— 33  
34

- (a) an external administrator having been appointed for the person, or 35
- (b) a winding-up of the person having commenced, or 36
- (c) the person having lodged an application for deregistration, or 37
- (d) the person having received a notice of proposed deregistration, or 38
- (e) a court having ordered the deregistration of the person. 39

- (6) In this section— 40

**information direction** means a written order given by the Minister under section 57(5), 58(2), 59(5) or 60(4). 41  
42

<b>64</b>	<b>Adverse publicity notices—holders of coal mining leases</b>	1
(1)	This section applies if the Minister is satisfied a holder of a coal mining lease has not complied with a requirement of the holder under this part in relation to—	2
	(a) an intended closure notice, or	3
	(b) a workforce plan.	4
(2)	The Minister may give the holder a written notice (an <i>adverse publicity notice</i> ) in relation to the non-compliance.	5
(3)	An adverse publicity notice must—	6
	(a) include the details prescribed by the regulations, and	7
	(b) be published by the Minister in accordance with the regulations.	8
		9
		10

**Part 8 Investigation and enforcement** 1

**Division 1 Authorised officers** 2

**65 Appointment of authorised officers** 3

- (1) The chief executive officer may appoint any of the following persons as an authorised officer for this part— 4  
5  
(a) a member of staff of the Authority, 6  
(b) a member of staff of the Department, 7  
(c) persons, or persons of a class, prescribed by the regulations. 8
- (2) A person’s appointment as an authorised officer may be made— 9  
(a) generally, or 10  
(b) subject to conditions or restrictions, or 11  
(c) for limited purposes. 12
- (3) A person’s appointment as an authorised officer must be made— 13  
(a) for an individual appointment—by written instrument, or 14  
(b) for the appointment of a class of persons—by notice published in the Gazette. 15
- (4) The Authority must give each person appointed as an authorised officer an identification card as an authorised officer. 16  
17
- (5) However, if persons of a class are appointed as authorised officers, the Authority is not required to give each person in the class an identification card as an authorised officer if the Authority is satisfied the persons possess adequate identification as persons of the class. 18  
19  
20  
21

**66 Purposes for which authorised officers may exercise functions** 22

- (1) An authorised officer may exercise functions under this part for the following purposes— 23  
24  
(a) enabling the Minister, the Authority or the chief executive officer to exercise functions under this Act, 25  
26  
(b) determining whether there has been compliance with or a contravention of this Act, including an instrument, consent, approval or other document or requirement issued, given or made under this Act, 27  
28  
29  
(c) obtaining information or records for purposes connected with the administration of this Act, 30  
31  
(d) generally for administering this Act. 32
- (2) Nothing in this part affects a function under another provision of this Act or under another Act. 33  
34

**67 Powers to require information or documents** 35

- (1) An authorised officer may, by written notice given to a person, require the person to give the authorised officer information or documents the authorised officer reasonably requires in connection with a matter arising under or in connection with— 36  
37  
38  
(a) the functions of the Minister, the Authority or the chief executive officer under this Act, or 39  
40  
(b) the administration of this Act. 41
- (2) The notice must specify— 42

(a)	the information or documents that must be given, and	1
(b)	the way the information or documents must be given, and	2
(c)	a reasonable time by which the information or documents must be given, and	3
(d)	that failure to give the information or documents without a reasonable excuse is an offence.	4 5
(3)	A person given a notice under subsection (1) must comply with the notice unless the person has a reasonable excuse.	6 7
	Maximum penalty—	8
(a)	for an individual—60 penalty units, or	9
(b)	otherwise—300 penalty units.	10
(4)	A person must not, in purported compliance with a notice given to the person under subsection (1), give information or a document the person knows is false or misleading in a material particular.	11 12 13
	Maximum penalty—	14
(a)	for an individual—60 penalty units, or	15
(b)	otherwise—300 penalty units.	16
<b>68</b>	<b>Provisions relating to information and documents</b>	17
(1)	A notice under this division may only require a person to give information or documents—	18 19
(a)	in the person’s possession, or	20
(b)	within the person’s power to obtain lawfully.	21
(2)	The authorised officer to whom a document is given under this division may take copies of the document.	22 23
<b>Division 2</b>	<b>Enforcement and proceedings</b>	24
<b>69</b>	<b>Proceedings for offences</b>	25
(1)	Proceedings for an offence against this Act or the regulations must be dealt with summarily before the Local Court.	26 27
(2)	Proceedings for an offence against this Act or the regulations may be instituted at any time within 12 months after the date on which the offence is alleged to have been committed.	28 29 30
(3)	Without limiting the <i>Criminal Procedure Act 1986</i> , section 14, proceedings for an offence against this Act or the regulations may be commenced by the Minister or the Authority.	31 32 33
<b>70</b>	<b>Penalty notices</b>	34
(1)	An authorised officer may issue a penalty notice to a person if it appears to the officer that the person has committed a penalty notice offence.	35 36
(2)	A penalty notice offence is an offence against this Act or the regulations that is prescribed by the regulations as a penalty notice offence.	37 38
(3)	The <i>Fines Act 1996</i> applies to a penalty notice issued under this section.	39
	<b>Note—</b> The <i>Fines Act 1996</i> provides that, if a person issued with a penalty notice does not wish to have the matter determined by a court, the person may pay the amount specified in the notice and is not liable to any further proceedings for the alleged offence.	40 41 42

- |     |  |             |
|-----|--|-------------|
| (4) | The amount payable under a penalty notice issued under this section is the amount prescribed for the alleged offence by the regulations, being not more than the maximum amount of penalty that may be imposed for the offence by a court. | 1<br>2<br>3 |
| (5) | This section does not limit the operation of another provision of, or made under, this Act or another Act relating to proceedings that may be taken in relation to offences.   | 4<br>5      |

**71 Payment of penalties and fines into FJI Fund** 6

A monetary penalty or fine imposed for an offence under this Act or the regulations and recovered in proceedings must be paid into the FJI Fund. 7  
8

## Part 9 Miscellaneous

### 72 Disclosure of information

- (1) A person must not disclose information obtained in connection with the administration or execution of this Act, unless the disclosure is—
- (a) made to a relevant entity for the purposes of enabling the relevant entity to exercise the relevant entity's functions under a relevant Act, or
  - (b) made with the consent of the person from whom the information was obtained, or
  - (c) made with the concurrence of the Minister, or
  - (d) made for the purposes of legal proceedings arising out of this Act or a report of the proceedings, or
  - (e) otherwise made in connection with the administration, execution or enforcement of this Act or the regulations, or
  - (f) only of information that is in the public domain, or
  - (g) made in accordance with a requirement imposed under the *Government Information (Public Access) Act 2009* or the *Ombudsman Act 1974*, or
  - (h) made with another lawful excuse.

Maximum penalty—

- (a) for an individual—20 penalty units, or
  - (b) otherwise—100 penalty units.
- (2) The regulations may prescribe additional restrictions, conditions or requirements in relation to the disclosure of workforce planning information under subsection (1).
- (3) In this section—
- relevant Act** means the following Acts—
- (a) this Act,
  - (b) the *Mining Act 1992*,
  - (c) the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*,
  - (d) another Act prescribed by the regulations.
- relevant entity** means the following—
- (a) the Minister,
  - (b) the Secretary,
  - (c) the Authority,
  - (d) the Board,
  - (e) the Secretary within the meaning of the *Mining Act 1992*,
  - (f) the regulator within the meaning of the *Work Health and Safety (Mines and Petroleum Sites) Act 2013*,
  - (g) a local division,
  - (h) an entity prescribed by the regulations.

**workforce planning information** means information given by the holder of a coal mining lease or a coal-fired power station operator under Part 7.

### 73 Misuse of information

- (1) An associate of the Authority who has knowledge of confidential commercial information must not—

(a)	deal, directly or indirectly, in the land to which the information relates, or other land, for the purpose of gaining an advantage for the associate by using the information, or	1 2 3
(b)	disclose the confidential commercial information for the purpose of enabling another person to gain an advantage by using the information to deal, directly or indirectly, in the land to which the information relates or other land.	4 5 6
	Maximum penalty—	7
(a)	for an individual—20 penalty units, or	8
(b)	otherwise—100 penalty units.	9
(2)	An associate of the Authority who is in a position to influence a proposal made, or to be made, by the Authority in relation to the acquisition, development or disposal of land must not influence the proposal by securing the inclusion or alteration of a matter in, or the exclusion or omission of a matter from, the proposal for the purpose of—	10 11 12 13 14
(a)	gaining an advantage for the associate, or	15
(b)	enabling another person to gain an advantage.	16
	Maximum penalty—	17
(a)	for an individual—20 penalty units, or	18
(b)	otherwise—100 penalty units.	19
(3)	In this section—	20
	<i>associate</i> , of the Authority, means the following—	21
(a)	the chief executive officer,	22
(b)	a member of staff of the Authority,	23
(c)	a member of the Board,	24
(d)	a member of a local division,	25
(e)	an officer or employee of a local council,	26
(f)	a person who acts or has acted as a banker, Australian legal practitioner, auditor or professional adviser or in another capacity for the Authority, the Minister, the Secretary, the Board, a member of the Board, a local division or a local council,	27 28 29 30
(g)	a director, manager or secretary of a corporation that acts or has acted as a banker, Australian legal practitioner, auditor or professional adviser or in another capacity for the Authority, the Minister, the Secretary, the Board, a member of the Board, a local division or a local council,	31 32 33 34
(h)	a person of whose services the Authority, the Board or a local division makes use, or who is otherwise appointed, employed or engaged, under this Act.	35 36
	<i>confidential commercial information</i> means information that—	37
(a)	relates to a proposal made, or to be made, by the Authority in relation to the acquisition, development or disposal of land, and	38 39
(b)	is not generally known but, if it were generally known, might reasonably be expected to materially affect the market price of the land or other land.	40 41
<b>74</b>	<b>Civil recovery of particular losses related to misuse of information</b>	42
(1)	This section applies if—	43
(a)	a person contravenes section 73(1) or (2), whether or not the person is prosecuted for or convicted of an offence under the relevant subsection, and	44 45

(b)	a person (the <i>advantaged person</i> ) gains an advantage referred to in the relevant provision, and	1 2
(c)	another person (the <i>disadvantaged person</i> ) incurs a loss because of the advantage gained by the advantaged person.	3 4
(2)	The advantaged person is liable to the disadvantaged person for the amount of the loss incurred by the disadvantaged person because of the advantage gained by the advantaged person.	5 6 7
(3)	If the loss is incurred because of an advantage gained from a dealing in land, the amount of the loss is—	8 9
(a)	for a dealing to which section 73(1) relates—the difference between—	10
(i)	the price at which the dealing was effected, and	11
(ii)	the price that, in the determining court’s opinion, would have been the market price of the land at the time of the dealing if the confidential commercial information used to gain the advantage had been generally known at the time of the dealing, or	12 13 14 15
(b)	for a dealing to which section 73(2) relates—the difference between—	16
(i)	the price at which the dealing was effected, and	17
(ii)	the price that, in the determining court’s opinion, would have been the market price of the land at the time of the dealing if the relevant proposal had not been influenced.	18 19 20
(4)	An action to recover a loss under subsection (2) may not be brought more than 5 years after the dealing in land in relation to which the loss was incurred.	21 22
(5)	In this section—	23
	<i>determining court</i> means the court before which the disadvantaged person has sought to recover the amount of the loss incurred by the disadvantaged person.	24 25
<b>75</b>	<b>Exclusion of liability</b>	26
(1)	A protected person is not personally subject to liability for anything done—	27
(a)	in good faith, and	28
(b)	for the purpose of exercising a function under this Act or the regulations.	29
(2)	Subject to subsection (3), the liability instead attaches to the Crown.	30
(3)	The Crown is not subject to liability for anything done—	31
(a)	in good faith, and	32
(b)	for the purposes of exercising a function under section 64, including anything done for the purposes of the Minister—	33 34
(i)	considering, and being satisfied of, a matter under section 64(1), or	35
(ii)	preparing, giving or publishing an adverse publicity notice.	36
(4)	A person is not subject to liability for publishing, in good faith, information included in an adverse publicity notice.	37 38
(5)	In this section—	39
	<i>adverse publicity notice</i> means a notice published by the Minister under section 64(3).	40 41
	<i>done</i> includes omitted to be done.	42
	<i>liability</i> means civil liability and includes an action, claim or demand.	43
	<i>protected person</i> means—	44
(a)	the Minister, or	45

(b)	the Secretary, or	1
(c)	the chief executive officer, or	2
(d)	a member of the Board, or	3
(e)	a member of staff of the Authority, or	4
(f)	a member of a local division, or	5
(g)	an authorised officer, or	6
(h)	a person acting under the direction of, or with the authority of, the Minister or the Secretary.	7 8
<b>76</b>	<b>Approval of forms</b>	9
(1)	The chief executive officer may approve forms for use under this Act.	10
(2)	A form approved under subsection (1) must be published on a publicly accessible website maintained by the Authority.	11 12
<b>77</b>	<b>Service of documents</b>	13
(1)	A document authorised or required by this Act or the regulations to be served on a person may be served in the following ways—	14 15
(a)	for service on an individual—	16
(i)	by personal delivery to the individual, or	17
(ii)	by post to—	18
(A)	the address specified by the individual for the service of documents generally or documents of that kind, or	19 20
(B)	if the individual has not specified an address for service—the residential or business address of the individual last known to the person serving the document, or	21 22 23
(iii)	by leaving a copy of the document, addressed to the individual, at—	24
(A)	the address specified by the individual for the service of documents generally or documents of that kind, or	25 26
(B)	if the individual has not specified an address for service—the residential or business address of the individual last known to the person serving the document, or	27 28 29
(iv)	by email to an email address specified by the person for the service of documents generally or documents of that kind, or	30 31
(v)	in another way authorised by the regulations for the service of documents generally or documents of that kind,	32 33
(b)	for service on the Authority—	34
(i)	by post to—	35
(A)	the address specified by the Authority for the service of documents generally or documents of that kind, or	36 37
(B)	an office of the Authority, or	38
(ii)	by leaving a copy of the document, addressed to the Authority, at—	39
(A)	the address specified by the Authority for the service of documents generally or documents of that kind, or	40 41
(B)	if the Authority has not specified an address for service—an office of the Authority, or	42 43
(iii)	by email to an email address specified by the Authority for the service of documents generally or documents of that kind, or	44 45

- (iv) in another way authorised by the regulations for the service of documents generally or documents of that kind, 1  
2
    - (c) for service on another person— 3
      - (i) by post to— 4
        - (A) the address specified by the person for the service of documents generally or documents of that kind, or 5  
6
        - (B) if the person has not specified an address for service—the registered office of the person or the business address of the person last known to the person serving the document, or 7  
8  
9
      - (ii) by leaving a copy of the document, addressed to the person, at— 10
        - (A) the address specified by the person for the service of documents generally or documents of that kind, or 11  
12
        - (B) if the person has not specified an address for service—the registered office of the person or other business address of the person last known to the person serving the document, or 13  
14  
15
      - (iii) by email to an email address specified by the person for the service of documents generally or documents of that kind, or 16  
17
      - (iv) in another way authorised by the regulations for the service of documents generally or documents of that kind. 18  
19
  - (2) Nothing in this section affects the operation of another law, including the rules of a court, authorising a document to be served on a person or the Authority in another way. 20  
21  
22
  - (3) In this section— 23  
*serve* includes give and send. 24
- 78 Delegation of Secretary's functions** 25
- (1) The Secretary may delegate the exercise of a function of the Secretary under this Act or another Act, other than this power of delegation, to an authorised person. 26  
27
  - (2) An authorised person to whom the exercise of a function is delegated under subsection (1) may, if authorised in writing by the Secretary, subdelegate the exercise of the function to another authorised person. 28  
29  
30
  - (3) A reference in this section to— 31
    - (a) a function under this Act includes a reference to a function under the following— 32  
33
      - (i) the regulations, 34
      - (ii) a contract under section 21, 35
      - (iii) a local economic structural adjustment plan, 36
      - (iv) the governance framework, and 37
    - (b) a function under another Act includes a reference to a function under regulations made under the other Act. 38  
39
  - (4) In this section— 40  
*authorised person* means— 41
    - (a) the chief executive officer, or 42
    - (b) a member of staff of the Department, or 43
    - (c) another person prescribed by the regulations. 44

<b>79</b>	<b>Review of Act</b>	1
(1)	The Minister must review this Act to determine whether—	2
(a)	the policy objectives remain valid, and	3
(b)	the terms remain appropriate for securing the policy objectives.	4
(2)	The review must be undertaken within 3 years after the commencement of this Act.	5
(3)	A report on the outcome of the review must be tabled in each House of Parliament within 12 months after the commencement of the review.	6 7
<b>80</b>	<b>Regulations</b>	8
(1)	The Governor may make regulations about a matter that is—	9
(a)	required or permitted by this Act to be prescribed, or	10
(b)	necessary or convenient to be prescribed for carrying out or giving effect to this Act.	11 12
(2)	The regulations may create offences punishable by a maximum penalty of—	13
(a)	for an individual—60 penalty units, or	14
(b)	otherwise—300 penalty units.	15
(3)	The regulations may incorporate by reference, wholly or in part and with or without modification, standards, rules, codes, specifications or methods, as in force at a particular time or as in force from time to time, prescribed or published by an authority or body, whether or not it is a New South Wales authority or body.	16 17 18 19

<b>Schedule 1</b>	<b>Savings, transitional and other provisions</b>	1
<b>Part 1</b>	<b>General</b>	2
<b>1</b>	<b>Regulations</b>	3
(1)	The regulations may contain provisions of a savings or transitional nature consequent on the commencement of—	4
(a)	a provision of this Act, or	5
(b)	a provision amending this Act.	6
(2)	A savings or transitional provision consequent on the commencement of a provision must not be made more than 2 years after the commencement.	7
(3)	A savings or transitional provision made consequent on the commencement of a provision is repealed 2 years after the commencement.	8
(4)	A savings or transitional provision made consequent on the commencement of a provision may take effect before the commencement but not before—	9
(a)	for a provision of this Act—the date of assent to this Act, or	10
(b)	for a provision amending this Act—the date of assent to the amending Act.	11
(5)	A savings or transitional provision taking effect before its publication on the NSW legislation website does not—	12
(a)	affect the rights of a person existing before the publication in a way prejudicial to the person, or	13
(b)	impose liabilities on a person for anything done or omitted to be done before the publication.	14
(6)	In this section—	15
	<i>person</i> does not include the State or an authority of the State.	16
<b>Part 2</b>	<b>Provisions consequent on enactment of this Act</b>	17
<b>2</b>	<b>Meaning of “the Department”</b>	18
	Until the commencement of the Environment and Water Legislation Amendment Act 2025, Schedule 4.2, a reference in this Act to the Department is taken to be a reference to the Department of Primary Industries and Regional Development.	19
<b>3</b>	<b>Statement of business intent</b>	20
	Despite this Act, section 13, the statement of business intent required to be prepared and submitted under that section for the first financial year after the commencement of that section must be prepared and submitted before—	21
(a)	the day that is 6 months after the commencement of that section, or	22
(b)	a later date specified by the Minister.	23
<b>4</b>	<b>Payments into FJI Fund</b>	24
	On the commencement of this Act, Schedule 2[1], amounts standing to the credit of the Royalties for Rejuvenation Fund immediately before that commencement, including amounts invested, must be paid into, or transferred to, the FJI Fund.	25
<b>5</b>	<b>Notice of existing intentions to permanently close coal mines</b>	26
(1)	This section applies to the holder of a coal mining lease if—	27

(a)	on or before the commencement, the holder makes it publicly known that the holder intends to close a coal mine operated under or in connection with the coal mining lease, and	1 2 3
(b)	the date on which the holder intends to close the coal mine is less than 3 years after the commencement.	4 5
(2)	Within 90 days after the commencement, the holder must give the Minister written notice, prepared in accordance with this section, of the intended closure of the coal mine.	6 7 8
	Maximum penalty—	9
(a)	for an individual—60 penalty units,	10
(b)	otherwise—300 penalty units.	11
(3)	The Minister may exempt the holder from the requirement to give the notice in accordance with subsection (2) if satisfied there are special circumstances.	12 13
(4)	The following provisions of this Act apply in relation to the notice as if the notice were being given under this Act, section 57(2)—	14 15
(a)	section 57(3) and (5)–(8),	16
(b)	section 63,	17
	<b>Note—</b> The Act, section 63 provides that the holder must comply with a written order under this Act, section 57(5) to give the Minister further information about the intended closure of the coal mine unless the holder has a reasonable excuse.	18 19 20
(5)	For this Act, sections 59(4)(a), 62 and 64, a notice required to be given under this section is taken to be an intended closure notice for the coal mine.	21 22
	<b>Note—</b> The Act, section 59(4)(a) requires the holder to give the Minister a copy of the workforce plan for the coal mine within 90 days after giving the Minister an intended closure notice for the coal mine. Section 62 makes it an offence to include false or misleading information in an intended closure notice. Section 64 enables the Minister to give the holder, and publish, an adverse publicity notice if satisfied the holder has failed to comply with a requirement relating to an intended closure notice.	23 24 25 26 27 28
(6)	In this part—	29
	<i>close</i> has the same meaning as in this Act, section 55.	30
	<i>coal mine</i> has the same meaning as in this Act, section 55.	31
	<i>commencement</i> means the commencement of this section.	32
	<i>intended closure notice</i> , for a coal mine, has the same meaning as in this Act, section 55.	33 34
	<i>Royalties for Rejuvenation Fund</i> means the fund established under the <i>Mining Act 1992</i> , section 292W.	35 36

<b>Schedule 2</b>	<b>Amendment of Mining Act 1992 No 29</b>	1
<b>[1]</b>	<b>Sections 292W, 292X and 389A</b>	2
	Omit the sections.	3
<b>[2]</b>	<b>Section 292Y Coal Authorities Allocations Fund</b>	4
	Insert after section 292Y(4)(b)—	5
	(b1) amounts authorised by the Secretary to be paid into the Future Jobs and Investment Fund established under the <i>Future Jobs and Investment Act 2025</i> , section 48 to meet the costs and expenses incurred in the establishment, operation and administration of the Future Jobs and Investment Authority established under that Act, section 9, and	6 7 8 9 10
<b>[3]</b>	<b>Dictionary</b>	11
	Omit the definition of <i>Royalties for Rejuvenation Fund</i> or <i>Rejuvenation Fund</i> .	12