



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.