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OPP--OPPOSITION

LEGISLATIVE COUNCIL

Steel Industry Protection Bill 2016

First print

Proposed amendments

No. 1 **Definition of “excluded steel”**

Page 2, clause 3, definition of *excluded steel*. Insert after line 9:

- (a) any kind of steel that is not manufactured at any location in Australia, or
- (b) in relation to a particular public works project—any kind of steel that is potentially available from an Australian manufacturer, but where that steel could not be manufactured in Australia for the purposes of that public works project:
 - (i) at a reasonable cost, or
 - (ii) within a reasonable time, or

No. 2 **Definition of “reasonable cost”**

Page 2, clause 3 definition of *reasonable cost*, line 36. Omit “20 percent”. Insert instead “10 percent”.

No. 3 **Percentage of Australian steel to be used**

Page 3, clause 4, line 2. Omit “all steel”. Insert instead “at least 90 percent of the steel”.

No. 4 **Percentage of Australian steel to be used**

Page 3, clause 5, line 6. Omit “any steel”. Insert instead “at least 90 percent of the steel”.

No. 5 **Percentage of Australian steel to be used**

Page 3, clause 6 (1) (a), line 12. Omit “any steel”. Insert instead “at least 90 percent of the steel”.

No. 6 **NSW Steel Industry Advocate**

Page 4. Insert after line 17:

9 NSW Steel Industry Advocate

- (1) The Governor may appoint a NSW Steel Industry Advocate.
- (2) The principal office of the Advocate is to be located within the Illawarra region.
- (3) The Advocate may be removed from office by the Governor on the address of both Houses of Parliament.

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- (4) The office of Advocate is a full-time office and the holder of the office is required to hold it on that basis, except to the extent permitted by the Minister.
 - (5) The office of Advocate is a statutory office and the provisions of the *Government Sector Employment Act 2013* relating to the employment of Public Service employees do not apply to that office (except as provided by this section).
 - (6) The Advocate holds office for such term not exceeding 5 years as may be specified in the instrument of appointment, but is eligible (if otherwise qualified) for re-appointment.
 - (7) The office of Advocate becomes vacant if the holder:
 - (a) dies, or
 - (b) completes a term of office and is not re-appointed, or
 - (c) resigns the office by instrument in writing addressed to the Governor, or
 - (d) becomes bankrupt, applies to take the benefit of any law for the relief of bankrupt or insolvent debtors, compounds with his or her creditors or makes an assignment of his or her remuneration for their benefit, or
 - (e) becomes a mentally incapacitated person, or
 - (f) is convicted in New South Wales of an offence that is punishable by imprisonment for 12 months or more or is convicted elsewhere than in New South Wales of an offence that, if committed in New South Wales, would be an offence so punishable, or
 - (g) is removed from office under subsection (3).
 - (8) The following provisions of or made under the *Government Sector Employment Act 2013* relating to the employment of Public Service senior executives apply to the Advocate (but, in the application of those provisions, a reference to the employer of any such executive is to be read as a reference to the Minister):
 - (a) provisions relating to the band in which an executive is to be employed,
 - (b) provisions relating to the contract of employment of an executive,
 - (c) provisions relating to the remuneration, employment benefits and allowances of an executive.

10 Functions of NSW Steel Industry Advocate

- (1) The NSW Steel Industry Advocate has the following functions:
 - (a) to monitor compliance with the requirements of this Act,
 - (b) to monitor whether steel (other than excluded steel) required by this Act to be used in the construction of relevant public works is manufactured to appropriate Australian Standards,
 - (c) to conduct a review of the steel manufacturing and fabrication sector with particular focus on the following:
 - (i) the supply chain capabilities of the sector,
 - (ii) the co-ordination by the sector of research and development and innovation,
 - (iii) the investment in the sector of plant and equipment,
 - (d) to prepare reports in accordance with this Act.
- (2) The Advocate may, in connection with the exercise of the functions of the Advocate under this Act, make such inquiries and undertake such investigations as the Advocate considers necessary.
- (3) The Advocate may, by notice in writing, request that any person provide, or require any public authority to provide, the Advocate with information

(including documents) relevant to the exercise of the functions of the Advocate under this Act.

11 NSW Steel Industry Advocate required to report to Parliament

- (1) The NSW Steel Industry Advocate is required to prepare, at least once every 12 months, a report setting out a State infrastructure plan that identifies future relevant public works, and the steel requirements of those works, and to furnish the report to the Presiding Officer of each House of Parliament.
- (2) The Advocate is required to prepare, at least once every 2 years, a report on the procurement policies of the State, and whether those policies adequately take into account all costs and benefits related to steel procurement (including costs and benefits related to transport, insurance, maintenance and repair, the environment, employment and regional development), and to furnish the report to the Presiding Officer of each House of Parliament.
- (3) The Advocate may, at any time, make a report on any other matter arising in connection with the exercise of the functions of the Advocate and furnish the report to the Presiding Officer of each House of Parliament.
- (4) A copy of a report furnished to the Presiding Officer of a House of Parliament under this section is to be laid before that House within 15 sitting days of that House after it is received by the Presiding Officer.
- (5) The Advocate may include in a report a recommendation that the report be made public immediately.
- (6) If a report includes a recommendation by the Advocate that the report be made public immediately, a Presiding Officer of a House of Parliament may make it public whether or not that House is in session and whether or not the report has been laid before that House.
- (7) If such a report is made public by a Presiding Officer of a House of Parliament before it is laid before that House, it attracts the same privileges and immunities as if it had been laid before that House.
- (8) A Presiding Officer need not inquire whether all or any conditions precedent have been satisfied regarding a report purported to have been made and furnished in accordance with this Act.

12 Staff of NSW Steel Industry Advocate and delegation

- (1) Persons may be employed in the Public Service under the *Government Sector Employment Act 2013* to enable the NSW Steel Industry Advocate to exercise his or her functions.
- (2) The Advocate may arrange for the use of the services of any staff or facilities of a NSW Government agency and may, subject to the regulations, engage such consultants or contractors as are necessary for the purposes of this Act.
- (3) The Advocate may delegate the exercise of any function of the Advocate (other than this power of delegation) to any person referred to in this section.