

Tabled, by leave,

OFFICIAL

AGRICULTURE COMMISSIONER BILL 2024

STATEMENT OF PUBLIC INTEREST

Clerk of the Parliaments

17/9/24

**Need: Why is the policy needed based on factual evidence and stakeholder input?**

The NSW Government made an election commitment to ensure a strong and independent NSW Agriculture Commissioner to provide more protection for our best farmland, ensure food security and a more sustainable and productive agriculture industry.

To inform the delivery of this commitment, in July 2023 the Minister for Agriculture requested the then Agriculture Commissioner, Mr Daryl Quinlivan AO, prepare a report investigating options for implementing an independent Agriculture Commissioner for New South Wales. The report, which was based on consultation with stakeholders from the agriculture sector, found there was strong support from stakeholders for the establishment of a statutory independent Agriculture Commissioner to provide independent advice, conduct reviews and make recommendations to Government on agricultural matters.

The establishment of a statutory independent Agriculture Commissioner will deliver the Government's election commitment in full and meet stakeholder expectations.

**Objectives: What is the policy's objective couched in terms of the public interest?**

The outcomes sought for the community from the establishment of an independent Agriculture Commissioner include independent reviews and advice to support continuing agricultural sector growth, increased knowledge of our rural land assets, and improved management of land use conflict. These outcomes are sought at a time of increasing competition for rural land because of increasing population and demand for housing, associated demands from industrial and service providers, energy production, increased investment within the sector itself, and land use change to improve carbon and biodiversity outcomes. By establishing the role in statute, the NSW Government is demonstrating its commitment to achieving these outcomes.

**Options: What alternative policies and mechanisms were considered in advance of the bill?**

This Bill proposes to establish a statutory independent Agriculture Commissioner to provide independent advice to the NSW Government. This model is the optimal approach in terms of meeting the stated policy objective, being administratively and financially efficient and not duplicating existing functions of Government.

Alternative models considered were:

1. Continue with the current model of contracting a non-statutory Commissioner.
2. Create a statutory Commissioner with dispute resolution and mediation powers where the Commissioner would act as an independent mediator in resolving disputes relating to land use management and other related issues.

The Government committed to the establishment of a strong and independent NSW Agriculture Commissioner. As such, the option of doing nothing was not considered to be appropriate.

**Analysis: What were the pros/cons and benefits/costs of each option considered?**

OFFICIAL

OFFICIAL

Option 1 of continuing with the current model of contracting a non-statutory Commissioner would not meet stakeholder expectations. There has been feedback about the need for a statutory role to provide certainty. As this option does not meet stakeholder expectations it is not preferred.

Option 2 would target land use conflict as a key issue raised by industry stakeholders. The approach taken in the Bill is to empower the Agriculture Commissioner to recommend changes to the land use framework as a whole, to drive delivery of positive outcomes for the agriculture sector. Tasking the Agriculture Commissioner with a mediation function would diminish the Commissioner's ability to provide advice at a strategic level and would risk duplicating functions existing elsewhere.

**Pathway: What are the timetable and steps for the policy's rollout and who will administer it?**

It is proposed that the Bill will commence on assent. Once the Bill has passed Parliament, a recruitment processes will commence with the role advertised and a selection panel convened to assess applicants for the role. The appointment will be by the Governor on the recommendation of the Minister.

The independent Agriculture Commissioner will be a statutory appointment, who reports directly to the Minister for Agriculture and is supported by a secretariat located in the Department of Primary Industries and Regional Development.

**Consultation: Were the views of affected stakeholders sought and considered in making the policy?**

The former Agriculture Commissioner, Mr Quinlivan, consulted with several key stakeholders including from the agriculture sector and NSW Government agencies. Stakeholder consulted with were the Australian Chicken Meat Federation, Australian Lot Feeders Association, Berries Australia, Cotton Australia, Goulbourn Mulwaree Council, Gunnedah Shire Council, Kiama Municipal Council, Lake Macquarie City Council, Lithgow City Council, Liverpool Plains Shire Council, Local Government NSW, Narrabri Shire Council, Narromine Shire Council, NSW Department of Planning and Environment, NSW Department of Primary Industries and Regional Development, NSW Farmers Association, Office of Local Government NSW, Planning Institute of Australia, Ricegrowers Association of Australia, The Hills Shire, Warrumbungle Shire Council, and Wollondilly Shire Council.