



New South Wales

Agriculture Commissioner Bill 2024

Explanatory note

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

Overview of Bill

The object of this Bill is to establish the office of the Agriculture Commissioner (the *Commissioner*) and to provide for the Commissioner's functions, which include the following—

- (a) to give advice about, and undertake reviews of, matters relating to agriculture, agricultural productivity, land use conflicts and food security (*agricultural matters*),
- (b) to make recommendations about agricultural matters to the Minister for Agriculture (the *Minister*) and other relevant Ministers,
- (c) to monitor developments relating to agricultural matters,
- (d) to identify opportunities to improve agricultural productivity,
- (e) to promote a coordinated and collaborative approach across the Commonwealth Government, the NSW Government and local government in relation to agricultural matters.

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 on the date of assent to the proposed Act.

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

Part 2 Agriculture Commissioner

Clause 4 provides for the appointment of an Agriculture Commissioner by the Governor on the recommendation of the Minister.

Clause 5 provides for the functions of the Commissioner, as set out in the overview above.

Clause 6 requires the Commissioner to prepare a report about each review undertaken by the Commissioner. The Commissioner must give relevant Ministers time to consider a report before publishing the report on the Commissioner's website.

Clause 7 requires Ministers to respond to recommendations arising from reviews undertaken by the Commissioner.

Clause 8 gives the Commissioner the power to require certain Public Service agencies and State owned corporations to give the Commissioner information that is reasonably required for the exercise of the Commissioner's functions.

Clause 9 provides for staff to be employed in the Public Service to enable the Commissioner to exercise the Commissioner's functions.

Part 3 Miscellaneous

Clause 10 provides for the application of the *Privacy and Personal Information Protection Act 1998* to the office of the Commissioner.

Clause 11 protects the Commissioner, members of staff of the Commissioner and persons acting under the direction of the Commissioner from personal liability if acting in good faith.

Clause 12 requires the Minister to review the proposed Act every 5 years.

Clause 13 inserts a general regulation-making power.

Schedule 1 Provisions relating to Agriculture Commissioner

Clause 1 provides for the Commissioner's term of office.

Clause 2 provides for the employment and remuneration of the Commissioner.

Clause 3 enables the Minister to remove the Commissioner from office for incompetence, incapacity or misbehaviour.

Clause 4 sets out when the office of Commissioner becomes vacant.

Clause 5 enables the Minister to appoint an acting Commissioner in certain circumstances.

Schedule 2 Savings, transitional and other provisions

Clause 1 enables savings and transitional regulations to be made as a consequence of the commencement of the proposed Act or a provision that amends the proposed Act.

Schedule 3 Consequential amendments of other legislation

Schedule 3 makes consequential amendments to the following legislation—

- (a) the *Climate Change (Net Zero Future) Act 2023*,
- (b) the *Government Information (Public Access) Regulation 2018*,
- (c) the *Government Sector Finance Regulation 2024*.