



Queensland

Queensland Food Farmers' Commissioner Bill 2024



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2024

A Bill

for

**An Act to establish the office of Queensland food farmers'
commissioner and for related purposes**

[s 1]

The Parliament of Queensland enacts— 1

Part 1 Preliminary 2

1 Short title 3

This Act may be cited as the *Queensland Food Farmers' Commissioner Act 2024*. 4
5

2 Main object 6

The main object of this Act is to establish the office of Queensland food farmers' commissioner to support Queensland farmers and consumers in their dealings with supermarkets for the purpose of— 7
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(a) improving transparency of those dealings, including, for example, dealings related to food supply chains and pricing of products; and 11
12
13

(b) redressing power imbalances; and 14

(c) supporting sustainability and stability of the food supply chain in Queensland. 15
16

3 Definitions 17

In this Act— 18

commissioner means the Queensland food farmers' commissioner appointed under part 2. 19
20

commissioner for fair trading means the commissioner for fair trading established under the *Fair Trading Act 1989*. 21
22

farmer means a person or entity whose sole or main business is a farming business located in Queensland. 23
24

farming business includes— 25

(a)	an agricultural, apicultural, dairy farming, horticultural, land-based aquacultural, pastoral, poultry keeping or viticultural business; and	1 2 3
(b)	another business that involves cultivating the soil, gathering crops or rearing livestock; and	4 5
(c)	another business prescribed by regulation to be a farming business.	6 7
Part 2	Queensland food farmers' commissioner	8 9
Division 1	Establishment	10
4	Queensland food farmers' commissioner	11
	There is to be a Queensland food farmers' commissioner.	12
5	Functions and powers	13
(1)	The main functions of the commissioner are—	14
(a)	to provide a primary point of contact for matters affecting farmers; and	15 16
(b)	to provide information and advice to help farmers understand and manage arrangements that govern relationships between supermarkets and their suppliers; and	17 18 19 20
(c)	to work collaboratively with State and Commonwealth entities and other persons responsible for regulating farmers, including, for example—	21 22 23
(i)	the commissioner for fair trading; and	24
(ii)	the Australian Competition and Consumer Commission established by the <i>Competition and Consumer Act 2010</i> (Cwlth), section 6A; and	25 26 27

[s 6]

(iii)	Food Standards Australia New Zealand continued in existence under the <i>Food Standards Australia New Zealand Act 1991</i> (Cwlth); and	1 2 3
(d)	to monitor and advise the Queensland Government on developments in national arrangements that govern the relationships between supermarkets and their suppliers; and	4 5 6 7
(e)	to report to the Minister about a particular issue or general matter relating to farmers or consumers, including, for example, improper behaviours and business practices adversely affecting farmers or consumers; and	8 9 10 11 12
(f)	to prepare reports about—	13
(i)	a particular issue or general matter affecting farmers or consumers; or	14 15
(ii)	the commissioner's functions; and	16
(g)	to publish reports mentioned in paragraph (f) if the commissioner and the Minister consider publication is appropriate; and	17 18 19
(h)	to perform any other function given to the commissioner under this Act or another Act.	20 21
(2)	The commissioner has power to do anything necessary or convenient to be done for the performance of the commissioner's functions.	22 23 24
6	Not a statutory body for particular Acts	25
	To remove any doubt, it is declared that the commissioner is not a statutory body for the <i>Financial Accountability Act 2009</i> or the <i>Statutory Bodies Financial Arrangements Act 1982</i> .	26 27 28
7	Extraterritoriality	29
	The commissioner may perform the commissioner's functions inside and outside Queensland.	30 31

8	Delegation	1
(1)	The commissioner may delegate the commissioner's functions under this Act or another Act to an appropriately qualified public service officer.	2 3 4
(2)	In this section— <i>functions</i> includes powers.	5 6
9	Relationship with commissioner for fair trading	7
	Nothing in this Act limits the functions of the commissioner for fair trading.	8 9
Division 2	Appointment	10
10	Appointment	11
(1)	The commissioner is appointed by the Governor in Council on the recommendation of the Minister.	12 13
(2)	The Minister may recommend a person only if the person is appropriately qualified to perform the functions of the commissioner.	14 15 16
11	Term of appointment	17
(1)	The commissioner holds office for the term, of not more than 3 years, stated in the commissioner's instrument of appointment.	18 19 20
(2)	A person may be re-appointed as commissioner only once for a further term of not more than 3 years.	21 22
12	Conditions of appointment	23
(1)	The commissioner is to be paid the remuneration and allowances decided by the Governor in Council.	24 25

[s 13]

(2)	A person holds office as the commissioner on the conditions decided by the Governor in Council.	1 2
(3)	The commissioner is appointed under this Act and not the <i>Public Sector Act 2022</i> .	3 4
13	Preservation of rights of commissioner	5
(1)	This section applies if a person who is a public service officer is appointed as commissioner.	6 7
(2)	The person keeps all rights accrued or accruing to the person as a public service officer as if service as the commissioner were a continuation of service as a public service officer.	8 9 10
(3)	At the end of the person's term of office or on the person's resignation as commissioner, the person's service as the commissioner is taken to be service of a like nature in the public service for deciding the person's rights as a public service officer.	11 12 13 14 15
14	Vacancy in office of commissioner	16
	The office of commissioner becomes vacant if the commissioner—	17 18
(a)	resigns under section 15; or	19
(b)	is removed by the Governor in Council under section 16.	20
15	Resignation	21
(1)	The commissioner may resign the commissioner's office by giving the Minister a signed letter of resignation.	22 23
(2)	The resignation takes effect when the Minister receives the resignation or, if a later day is stated in the letter, the later day.	24 25

16	Removal	1
(1)	The Governor in Council may, at any time, remove a person from office as the commissioner on the recommendation of the Minister.	2 3 4
(2)	The Minister may recommend the removal of the person from office as the commissioner if the Minister is satisfied the person—	5 6 7
(a)	is guilty of misconduct of a type that could warrant dismissal from the public service if the commissioner were an officer of the public service; or	8 9 10
(b)	is incapable of performing the functions of the commissioner; or	11 12
(c)	has neglected the duties of the commissioner, or performed the duties of the commissioner incompetently.	13 14 15
(3)	This section does not otherwise limit the <i>Acts Interpretation Act 1954</i> , section 25.	16 17
17	Acting commissioner	18
	The Minister may appoint a person to act in the office of commissioner during—	19 20
(a)	a vacancy in the office of commissioner; or	21
(b)	a period when the commissioner is absent from duty, or can not, for another reason, perform the functions of the office.	22 23 24
Division 3	Office of the Queensland food farmers' commissioner	25 26
18	Office of the Queensland food farmers' commissioner	27
(1)	The office of the Queensland food farmers' commissioner is established.	28 29

[s 19]

(2)	The office's function is to help the commissioner perform the commissioner's functions.	1 2
(3)	The office consists of the commissioner and the commissioner's staff.	3 4
19	Staff	5
	The commissioner's staff are employed under the <i>Public Sector Act 2022</i> .	6 7
20	Control of office	8
(1)	The commissioner controls the office.	9
(2)	Subsection (1) does not prevent the attachment of the office to the department to ensure the office is supplied with the administrative support services the office requires to perform its function effectively and efficiently.	10 11 12 13
21	Staff not subject to outside direction	14
(1)	The commissioner's staff are not subject to direction by any person, other than from within the office, about the way the commissioner's functions are to be performed.	15 16 17
(2)	Subsection (1) applies despite the <i>Public Sector Act 2022</i> .	18
Division 4	Role of Minister and reporting requirements	19 20
22	Ministerial direction	21
(1)	The Minister may give the commissioner a written direction about a matter relevant to the performance of the commissioner's functions.	22 23 24
(2)	The commissioner must comply with a direction given under subsection (1).	25 26

(3)	The commissioner must include details, in the commissioner's annual report prepared under section 25, of—	1 2
(a)	any direction given by the Minister under subsection (1) during the financial year to which the report relates; and	3 4
(b)	the actions taken by the commissioner as a result of the direction.	5 6
23	Statement of expectations	7
(1)	The Minister may give the commissioner a written statement (a <i>statement of expectations</i>) about the Minister's expectations for the performance of the commissioner's functions.	8 9 10 11
(2)	Without limiting subsection (1), the statement of expectations may—	12 13
(a)	state a particular period for which the statement applies; and	14 15
(b)	provide for the nature and scope of the commissioner's activities for a particular period.	16 17
(3)	The commissioner must have regard to the statement of expectations in performing the commissioner's functions.	18 19
24	Reporting to Minister	20
	The commissioner must—	21
(a)	keep the Minister reasonably informed about the functions performed by the commissioner; and	22 23
(b)	comply with a reasonable request by the Minister to give the Minister stated information at a stated time about the functions performed by the commissioner.	24 25 26
25	Annual report	27
(1)	The commissioner must prepare and give to the Minister, within 3 months after the end of each financial year, a report	28 29

-
- (a) the chief executive of a department; or 1
 - (b) a local government; or 2
 - (c) another entity established for a State government 3
purpose that performs functions or administers matters 4
relevant to farmers or consumers. 5

27 Confidentiality 6

- (1) This section applies to a person who— 7
 - (a) is, or has been, performing functions under or relating to 8
the administration of this Act; and 9
 - (b) in that capacity, has acquired or has access to personal 10
information about another person. 11
- (2) The person must not disclose the information to anyone else, 12
or use the information, other than under this section. 13
Maximum penalty—50 penalty units. 14
- (3) The person may disclose or use the information— 15
 - (a) to the extent the disclosure or use is— 16
 - (i) necessary to perform a function under or relating to 17
the administration of this Act; or 18
 - (ii) otherwise required or permitted under this Act or 19
another law; or 20
 - (b) with the consent of the person to whom the information 21
relates; or 22
 - (c) in compliance with a lawful process requiring 23
production of documents to, or giving evidence before, a 24
court or tribunal. 25
- (4) In this section— 26
 - disclose* includes give access to. 27
 - information* includes a document. 28
 - personal information* means information about a person's 29
affairs. 30

[s 28]

28	Protection from liability	1
(1)	The commissioner is not civilly liable for an act done, or omission made, honestly and without negligence under this Act.	2 3 4
(2)	If subsection (1) prevents civil liability attaching to the commissioner, the liability attaches instead to the State.	5 6
	<i>Note—</i>	7
	For protection from civil liability in relation to prescribed persons under the <i>Public Sector Act 2022</i> , section 267, see section 269 of that Act.	8 9 10
29	Review of Act	11
(1)	The Minister must review the effectiveness of this Act as soon as practicable after the day that is 4 years after the commencement.	12 13 14
(2)	As soon as practicable after finishing the review, the Minister must table a report about its outcome in the Legislative Assembly.	15 16 17
30	Regulation-making power	18
	The Governor in Council may make regulations under this Act.	19 20

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