

Farm Access Code of Conduct

2024



A Guideline for Access to Farmland

Forward

TasFarmers and the Victorian Farmers Federation (VFF) are proud to present the *Farm Access Code of Conduct* which is aimed at promoting respectful and sensible infrastructure development on agricultural land. It comes in response to the lack of respect shown by infrastructure developers across Australia towards farmers, their land and their livelihoods in the pursuit to steamroll over community in the pursuit to build infrastructure projects.

As our population grows there is increasing need for more roads, pipelines, electricity networks and mining exploration to deliver services and drive economic growth. In addition, ambitious emissions reduction targets are resulting in the rapid and unplanned expansion of renewable energy infrastructure (including transmission lines) across the country.

Much of this expansion is criss-crossing agricultural land which has a direct impact on farmers economically, socially, and environmentally. Since the year 2000, Australia's available arable land has been reduced by fifteen percent, with much of it lost to infrastructure development and urban sprawl.

In many cases this land is highly productive, supporting and sustaining regional communities as well as being critical to our nation's food security. This land is scarce and cannot be replaced.

In planning infrastructure developments, greater consideration must be given to its impact on food and fibre production, the impact on communities and the impact on landholders. Unfortunately, these impacts are either not understood or ignored by many development proponents. In some cases, proponents may have the right to enforce compulsory acquisition laws. This often means landholders are pressured and intimidated into making decisions which are not in their interests and disregard their rights.

TasFarmers and the VFF will collaborate with government and infrastructure developers to see the principles of the Code adopted better protect the rights of farmers and regional communities.



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Purpose

TasFarmers and the VFF recognise the importance of a uniform nationwide approach to engagement between government, industry, and landholders when access to agricultural land is required. We have developed the code of conduct with principles to guide respectful and productive interaction between government, industry, and landowners. The primary goal is to ensure landholders are heard and respected and that compulsory acquisition is used as a last resort.

Scope

This code of conduct applies to anybody planning to undertake work on privately owned agricultural land. These activities can include, but are not limited to, energy infrastructure (solar, wind, underground cables, and transmission lines), resources (mining), state infrastructure (roads), and water infrastructure (dams and irrigation). This code of conduct also applies to alternative forms of activity such as aerial surveys.

Context

Infrastructure development on prime agricultural land has often led to significant land use conflicts. Agricultural land across Tasmania and Victoria is among the best in the world with the sector becoming more intensive, diverse, and high value. While TasFarmers and the VFF understand and support the benefits of infrastructure investment in regional communities, landholders deserve trust and understanding when interacting with development proponents. A strong relationship with the proponent ensures a landholder's rights are maintained and allows them to make informed decisions.

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1. Initial Consultation Principles

- 1.1 The landholder will be formally advised in writing of the full details of the proposed activity at least six weeks before an initial meeting to consider a land access agreement.
- 1.2 All stakeholders will be given independent briefings of relevant regulations and legislation regarding the proposed activity prior to commencement at the expense of the proponent.
- 1.3 The proponent will ensure the landholder is aware of their rights and options and will provide the landholder with any relevant legislation.
- 1.4 Where impacts cannot be avoided the proponent will ensure the landholder is correctly compensated through a negotiated land access and compensation agreement.
- 1.5 At a minimum the proponent must have a basic understanding of farms as workplaces.
- 1.6 The proponent will map and ground-truth the types of agricultural commodities and production systems within the activity area and provide this information to the landholder before entering into discussions on a land access and compensation agreement.
- 1.7 The landholder will have the opportunity to provide information to the proponent regarding any relevant existing and planned agricultural practices that may be impacted by the proponent for inclusion in the land access and compensation agreement, including what rehabilitation actions may be required.
- 1.8 The proponent will demonstrate that they accept the landholders' knowledge of their property and incorporate this knowledge into their project design.

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1.9 The landholder will be given sufficient time to seek legal advice or representation.

1.10 If the landholder is going to make any commercial decisions, TasFarmers and the VFF advise them to take professional legal advice.

1.11 The proponent will conduct a comprehensive risk assessment prior to work commencing and inform the landholder in writing of how they plan to manage these risks in a land access and compensation plan.

1.12 A copy of the risk assessment will be provided to the landholder in writing prior to work commencing and if the landholder wishes for any changes to be made, the proponent will include these.

1.13 The proponent will be accommodating if the landholder requests further information.

1.14 The proponent will discuss general logistics and agree on a written project timeline and access and compensation agreement with the landholder before work commencing including but not limited to:

- Any compensatory measures.
- Protocol for notifying the landowner of the timing, duration, and nature of activities.
- Farm biosecurity including the proponent sharing their biosecurity plan with the landholder and in turn the landholder sharing their biosecurity plan with the proponent.
- Use of existing gates and leaving them how they were found.
- Timing of cropping, animal husbandry, calving and lambing, harvesting, processing and seasonal operations.
- Access routes including the use of existing roads where possible.
- Potential damage to infrastructure and how and when this will be repaired.
- Specific requirements for activities occurring on both private and state operated irrigation schemes.
- Specifications on the replacement of fences, roads, and infrastructure as part of rehabilitation works.

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- Acknowledgement of the intergenerational succession value of the land.
- Protocol for notifying the landholder when access to land is required for legislated functions including routine maintenance and repair of infrastructure and meter reading.
- If rehabilitation cannot be met, then the proponent will not undertake the activities due to the risk of losing prime agricultural land.

2. On-farm Guidelines

2.1 A proponent undertaking activity on agricultural land requires high-level cooperation which must include face-to-face engagement and on ground communication.

2.2 If the proponent is unable to locate the landholder, they must not enter the property or begin work in any form.

2.3 Unless there is prior agreement, the proponent will only have access to the agreed activity area.

2.4 The landholder will advise the proponent of any potential hazards that may risk occupational health and safety including but not limited to, pesticide application, pest control operations, aggressive livestock, electric fences, and hidden obstacles.

2.5 The proponent will delay access where the landholder informs them of a safety issue.

2.6 The landholder will have clear and accessible communication channels throughout the entirety of the project allowing them to voice concerns, clarify information, and ask questions.

2.7 The proponent will nominate a project liaison officer for the landholder to contact for the duration of the project.

2.8 The proponent will ensure there is an adequate handover process between the project liaison officer and landholder if succession occurs throughout the duration of the project.

2.9 The proponent must take reasonable actions to address landholders' concerns regarding the loss of prime agricultural land.

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- 2.10 Any community engagement undertaken by the proponent will be genuine, consistent, and based on the landholders' concerns.
- 2.11 The proponent will actively relay information regarding the project to the wider community and keep them informed in a timely manner.
- 2.12 The landholder will be made aware of any proposed changes to the project in writing as soon as possible.
- 2.13 The landholder can refuse access based on weather conditions, lambing, calving, spraying, cultivating, and cropping among other factors.
- 2.14 The landowner will acknowledge and respect the rights of the proponent to carry out their ongoing legislated functions including repair and maintenance of infrastructure and meter reading following the completion of the project.

3. Rehabilitation Guidelines

- 3.1 The proponent will actively engage with the landholder to deactivate the site and ensure the land is returned to how it was or the prior agreed condition.
- 3.2 Areas impacted by the proponent's activity will be rehabilitated to a standard acceptable to the landholder.
- 3.3 The proponent will invite the landholder to inspect the site before they depart for the final time.

4. Disputes

- 4.1 Any disputes between the landholder and the proponent arising out of the application of this code, which cannot be resolved through the communication processes envisaged in this code, will be resolved by an independent mediator.

