

31 July 2015

Committee Secretary

Senate Standing Committees on Environment and Communications

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Dear Secretary,

RE: Inquiry into the Landholders' Rights to Refuse (Gas and Coal) Bill 2015

Thank you for the opportunity to provide a submission to the current inquiry into the *Landholders' Rights to Refuse (Gas and Coal) Bill 2015*.

The Voice of Horticulture is a member-based organisation representing horticultural growers and businesses across fruit, nuts, mushrooms, turf, nursery plants and cut flowers. Horticulture is Australia's second-largest and fastest growing industry in agriculture, with some 30,000 businesses nationally, and a farm gate value at \$10 billion.

With the value of farm production estimated at \$51 billion in 2013-4, and the horticultural industry estimated to have the highest returns per hectare (see Figure 1 below), the Voice of Horticulture believes it is of the interest of both the Australian economy, and Australia's reputation for safe and high quality produce, that landholders' rights are adequately protected.



Voice of Horticulture

Estimated returns per hectare Irrigation farms, Murray-Darling Basin, 2006-07

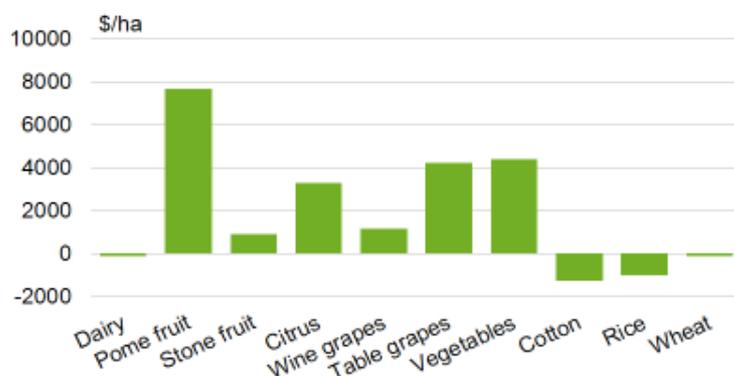


Figure 1 - Source: ABARES 2011¹

Landholder rights should be protected by a strong regulatory framework

The Bill only deals with the coal and gas industries and the Voice of Horticulture supports strengthening and improving the legislative and regulatory frameworks that protect farmers and agricultural sustainability and capacity in respect to all forms of mining. The Voice of Horticulture believes that landholder rights impacted by mining and extraction licenses require further protections across all states and territories in order to ensure that our land and water resources meet continuing high standards across all stages of the supply chain, from farmer to consumer.

Support for the Government's principles of coexistence of farming and unconventional gas development

The Voice of Horticulture acknowledges and supports the Government's commitment to promote a strong, vibrant agriculture (including horticulture) sector. Its position regarding coal seam gas development was reiterated in the *Agricultural Competitiveness White Paper*, in which it states that the Government's three principles for coexistence of farming and the development of unconventional gas resources are:

- Access to agricultural land should only be done with the farmer's agreement and farmers should be fairly compensated;
- There must be no long-term damage to water resources used for agriculture and local communities; and
- Prime agricultural land and quality water resources must not be compromised for future generations.²

The Voice of Horticulture supports these principles, and welcomes the Department of Agriculture's and the Agricultural Minister's continuing support of the agriculture sector's profitability and production sustainability – the potential of which is 'almost limitless'³.

¹Max Foster, 'Horticulture – the big picture', ABARES Outlook 2011.

² Australian Government, *Agricultural Competitiveness White Paper*, Commonwealth of Australia 2015, page 106.

³ Ibid, *Foreword*, page 11.

Farmers need improved access to information via full disclosure and transparency

The Voice of Horticulture is concerned about the potential disadvantages affecting rural landholders and remote communities that have inadequate access to information regarding extractive industries, gas and coal mining activity and environmental scientific information. As farmers manage 53 per cent of Australia's landmass⁴ and account for the majority of our water diversion/extraction⁵, Australian farmers' understanding and managing of natural resources (particularly water efficiency and soil health) is crucial. The Australian Government should therefore support greater transparency and improved data resources from the Commonwealth and State governments, and research institutions such as the Australian Bureau of Agricultural and Resource Economics and Sciences (ABARES).

Rules are needed to allow the negotiation of access arrangements on an equal footing

Furthermore, the Voice of Horticulture believes that often farmers are disadvantaged by a lack of negotiating capability and influence in comparison to mining companies. Consequently, it is of paramount importance that harmonised rules and procedures are devised in order to enable successful land access arrangements which are negotiated in a balanced way, in good faith and with well-informed landowners.

We note that currently there are differences between land access regimes between the states and territories and would welcome the development of a national approach. We suggest the Commonwealth develop a broad consultative process through existing intergovernmental agricultural and mining forums to define model legislation which could be implemented in each jurisdiction. The aim should be to maximise the social and economic benefit of land use for both present and future generations. We stress that VOH does not oppose the activities carried out by mining industries or their development, and we acknowledge their role in contributing to the whole Australian economy. However, it is of VOH's belief that further steps must be taken in order to balance the potentially adverse consequences of mining activities with the need to promote food production and landholders' and farmers' rights.

In conclusion, VOH does not believe the Bill adequately deals with issues of vital importance to farmers and the Australian community. While we consider the issues do warrant further consideration, we do not support the Bill in its current form.

Thank you again for the opportunity to provide a submission this inquiry, and thank you in advance for your consideration.

Yours sincerely,



Tania Chapman
Chair, Voice of Horticulture

⁴ *Agricultural Commodities 2013-14*, Australia, cat. No. 7121.0, Australian Bureau of Statistics, Canberra.

⁵ *Water Account, Australia, 2012-13*, cat. No. 4610.0, Australian Bureau of Statistics, Canberra.

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Members:



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