



Managing entry to farms

Agreed to by the VFF Policy Council
Meeting 173
1 September 2021

Policy Statement

Executive Summary

1. The VFF seeks to ensure that the public understand farms are workplaces. Entry to farms needs to be controlled to ensure compliance with the requirements of government safety and biosecurity laws. Agreements should be in writing and include biosecurity plans.
2. The VFF seeks changes to all laws and policies that grant permission to ensure to protect the rights of farmers and compliance with farm management plans. We seek requirements that all entry to farms (land access) will be subject to landholder consent including consultation and notice, compensation for loss and rehabilitation of affected land, and be supported by rigorous compliance and review mechanisms.
3. The VFF supports the right of all farm landowners to veto any proposed farm entry / land access arrangement where they reasonably believe the proposed land access activities would adversely affect food and fibre production, pose a safety or biosecurity risk or reduce their financial return from the farm land.
4. The VFF believes that the Land Access and Compensation Act should be amended to ensure that any access to or use of farmland consider all impacts on farm business operation, not just the impact on land value or production in the corridor used but the total impact of the access or use has on the farm business and landholders.
5. The VFF seeks assurances that farm entry / land access agreements and easements will be specific to a project. Any changes to the project or requirements for use of the area by another party will be subject to a separate agreement.

Entry to farm (Land Access) Agreements

6. The VFF believes all farm entry / land access arrangements must be covered by a formal land access agreement between the landowner and the farm entry / land access proponent. All agreements should operate on a commercial contractual basis. All reasonable costs of the landholder should be met by the proponent including induction and supervision costs.
7. Where farm entry / land access is granted farmers should be able to determine conditions relating to that farm entry / land access.
8. Any easement placed on the land will be specific to that proposal and cannot be amended or used by other parties without landholder consent including compensation.

9. There must be no long-term adverse on site or off-site impacts from farm entry / land access. Compensation for impact should be calculated on the whole farm operation not any specific corridor.
 10. Baseline information and agricultural impact assessments must be collected/prepared prior to the development of any proposal requiring entry or access to farms.
 11. Land access agreements should require that the proponent is liable and responsible for all matters arising under all relevant public safety and workplace laws including that the party seeking farm entry / land access will be responsible for compliance with all public safety and workplace law stemming from their occupation, including public liability insurance.
- Biosecurity**
12. The VFF believes a biosecurity clause or statement must be included in every farm entry / land access agreement. This must require an annual report on biosecurity compliance. During the period of land access activity occurring, a weekly report should be provided to the landholder including personnel in attendance, locations accessed, materials or chemicals utilised and any other information required under the farm's biosecurity plan.
 13. Proponents should be aware of industry biosecurity standards prior to seeking entry / access so as to be able to discuss specific requirements with the landholder.
 14. A minimum of 48 hours' notice is required prior to farm entry / land access under the biosecurity plan.
- Consultation**
15. The VFF believes farm entry / land access proponents should supply the landholder with complete information that sets out the relevant party's rights under an agreement, and any other relevant information about the land access proposal.
 16. Proponents shall pay for any advice required to understand the impact of the proposal on the farm business and any formal agreements.
 17. Landholders must agree to the brief and to consultants hired to undertake impact assessment, technical studies, monitoring and compliance systems and rehabilitation plans. Landholder consent to these documents must be sought.
- Compensation**
18. The VFF supports the rights of farm landowners to compensation arising from any loss associated with a farm entry / land access arrangement. Compensation formulas should ensure landowners receive appropriate compensation for loss of income, decrease in property value, increased costs of production, supervision and any other associated costs.
 19. The VFF believes farm landowners should be compensated for all reasonable associated costs involving the landowner seeking information and advice, including technical, financial and legal advice, involving any proposed farm entry / land access agreement.
 20. The VFF believes compensation payments should include a solatium of at least 20% to compensate for intangible impacts.

21. In the case of long term farm entry / land access agreements, the VFF supports an annual compensation payment to the farm landowner that reflects any impacts on asset value, operations, income, maintenance impacts, legal or technical costs.
22. The VFF believes additional compensation should be provided where farm entry / land access is required in response to a fault requiring unplanned or emergency access or where farm entry / land access is required to manage impacts from an emergency event such as fire, flood or storm.
23. Where farm entry / access is for infrastructure or works which increase the capital improved value of the land the farmer will be compensated for any increases in rates and charges stemming from farm entry / access arrangements.

Rehabilitation

24. Legislation will require full decommissioning and remediation of impacts. Landholder consent to the rehabilitation plan will be a requirement of any farm entry / land access agreement.
25. Remediation plans should be for the whole farm to ensure all impacts are remediated.
26. The VFF believes that any breaches of a farm entry / land access agreement must be rehabilitated immediately with compensation paid for any loss to the landholder. This includes removal of any easement.
27. The VFF support farmers having the right to approve the post construction and post decommissioning 'rehabilitation plan' for the land as a result of any development requiring farm entry / land access.
28. In the case of any onsite or offsite impact on land, air, or water the onus should be on the company with farm entry / land access to prove their activities are not causing the impacts.
29. Statutes should ensure that the landholder is not liable in relation to construction, operation or decommissioning of projects.

Review

30. The VFF believes independent monitoring to ensure compliance with farm entry / land access conditions must be undertaken, at the expense of the land access proponent.

Compliance

31. The VFF supports the establishment of an independent tribunal or ombudsman for hearing landholder complaints and appeals regarding farm entry / land access issues.

This policy should be read in conjunction with:

- VFF Renewable Energy Policy Statement
VFF Right to Farm Policy Statement