

18 December 2015

Mr Stephen Campbell
Department of State Development
Multiple Land Use Framework

**Grower-driven advocacy for
a profitable grains industry**

DSD.MultipleLandUseFramework@sa.gov.au

Dear Stephen.

Re: SOUTH AUSTRALIAN MULTIPLE LAND USE FRAMEWORK

Grain Producers SA (GPSA) is the peak industry body for South Australian grain producers. It is unique in that it is a non-political body that represents all grain producers to government, the community and industry. It is funded via the SA Grain Industry Fund (Primary Industries Funding Scheme) which nearly all grain producers in this state contribute to. GPSA is a founding member of Primary Producers SA.

The State's grain industries are large and diverse, making a significant contribution to the economy. Total grain production in South Australia from an estimated 3,000 grain producing businesses for the 2014-15 season was 7.63 million tonnes from 4.04 million hectares. With an estimated farm gate value of over \$1.8 billion and export value of \$2.2 billion, the grains industry is a not only a major contributor to this state's economy it is also a significant export earner for this state.

As the peak body for grain producers in this State, GPSA would like to make a submission on the State Government's draft South Australian Multiple Land Use Framework (SA MLUF) policy document. The submission seeks to impress upon the Government the importance of agriculture to this State and that mining and farming cannot coexist. We are one of the few industries with an interest, enviable reputation and history of sustainable and productive land use, and therefore believe that any land use policy needs to recognise the importance of the rights of freehold landowners over any other "interested stakeholders".

Importance of agriculture to this State

South Australia's food industry is vital to its economy. The industry generated more than \$15.3 billion revenue in 2013-14. Food exports from South Australia accounted for \$3.7 billion or 32% of total merchandise exports in 2013-14. The agribusiness sector employs approximately 1 in 5 South Australian workers.¹

The grains industry has an export value of \$2 to \$2.5 billion annually, with a land resource that is managed, improved and enhanced year on year. The revenue generated from the grains industry, earned predominantly by small businesses, is ploughed back into this sustainable industry and spent within the South Australian urban and rural communities.

Climate change and global population growth make it even more vital to protect our premium food producing areas. There are 98.4 million hectares of land within South Australia. Of this, 4.2 million hectares is used for agriculture. The ability to be able to protect this land for future production is a priority for GPSA.

¹ http://www.pir.sa.gov.au/premium_food_and_wine/food

GPSA takes the issue of protecting farmer's rights to farm very seriously and has established an Agricultural Security and Priority (ASAP) sub-committee reporting to the GPSA Board. The aim of this sub-committee is to advocate for the priority and security of viable agricultural production over any other proposed form of land use, and to advocate for protecting the value of farm assets and the health and wellbeing of farmers.

Planning for agriculture is necessary to ensure the best agricultural land remains available for food and fibre production. Agriculture is one of this State's leading industries and unlike the resources sector, it is a growing industry, capable of infinite years of continued production and wealth generation. It is not dug up and gone within a matter of years, it is properly managed and there to feed future generations of South Australians and the world.

The land suitable for agriculture is a finite resource that cannot be created or replaced. Once converted to another use, is extremely difficult if not impossible to rehabilitate agricultural land back to its productive state. The idea that farming and mining can coexist on any one piece of land as proposed by the SA MLUF is not only ludicrous but impossible. Once land has been destroyed by mining, it is unusable. No amount of rehabilitation will make crops grow in a great big hole in the ground.

What/who is driving the development of this policy?

When reviewing the SA MLUF, of considerable concern was the drive behind the development of this policy. It has been proposed by the COAG Standing Council on Energy and Resources to overcome the challenge of gaining access to land for mining developments. This is clearly stated in the COAG Energy Council Multiple Land Use Framework – Background document – December 2013 ([Word](#) / [PDF](#)) which is the guiding document for the development of each State and Territories MLUF documents. The "desired outcomes" presented in that document are featured below:-

Desired Outcomes

- 1. Shared commitment by government, industry and the community to multiple and sequential land use** – Minimise incidences of conflict over land use by improved ability to recognise differing needs and benefits to all stakeholders early, then using a risk-based approach to mitigate adverse impacts and realise mutual benefits.
- 2. Better informed public discourse** – Increased transparency and consistency in land use decisions, public access to relevant information, improved understanding of land access regulations relevant to each activity, as well as recognising the benefits of coexistence and collaboration through multiple land use approaches.
- 3. Merit based land use decisions** – Ensure land is not designated for a single use only, excluding other potential uses, without fully understanding the consequences. Providing certainty for industry and improved community confidence in land use decisions.
- 4. Deliver acceptable outcomes for affected communities and landholders** – Promote the view that multiple and sequential land use approaches can be benefit all stakeholders and engender greater confidence in, and positive engagement by, communities and landholders affected by industry developments.

The fact that the only industry that seems to matter is the mining industry is clear throughout the document but of particular concern is point number 3 above of the "desired outcomes". This point is clearly about removing existing land owners rights and opening up land to industry – that being the mining industry. There are a whole range of other industries already using land to produce returns for the State and the mining industry is just one of them. It is not the most important nor the most productive, especially not in the long term.

As in the COAG National MLUF, the reference to industry in the SA MLUF appears to just be the mining industry. If it was truly representative of “industry” in this state then some reference to existing, viable, long term industries such as agriculture would be made. Agriculture already encompasses multiple land use with most farms growing a variety of different crops and livestock enterprises – if that’s not multiple and sustainable land use for the benefits of all South Australians, then what is?

Maybe the SA MLUF should promote this type of multiple and sequential land use as desirable, not mining industry developments which decimate other viable industry pursuits.

Landowner’s rights versus interested “stakeholders”

While the Vision section on Page 4 of the SA MLUF talks about the framework not altering existing land rights assigned under Crown Land, freehold, Native Title or pastoral leases it wants a shared commitment to multiple and sequential land use. Farming and mining cannot coexist either multiply or sequentially. Farming protects the land and mining destroys it.

Under the Desired Outcomes on Page 5 of the SA MLUF we dispute the point that to maximise the benefits to South Australians the view should be encouraged that “generally multiple land use is desirable, positive and in the best interests of South Australia and its people”. What about the rights of **landowners**. This seems to promote the fact that land ownership is irrelevant. Underlying this framework appears to be the desire to increase the number of people who have an interest and a right to come onto a property, regardless of whether the landowner agrees or not. Again – **landowner’s rights**, not stakeholder, not community, not mining company – **the land owner**. Multiple land use is neither a desirable nor a positive outcome for freehold landowners of farmland whose only desire is to continue farming.

Under the Guiding Principles on Page 5 of the SA MLUF:

“Co-existence - Recognise the interests of other interested land users and acknowledge and respect their intentions. Land use decision making will not exclude other potential uses without considering the benefits and consequences for other land users and the wider community”.

What about the rights of freehold landowners? This appears to disregard current landowners rights and industries in favour of any other interests, i.e mining. The fact that we again dispute the possibility that coexistence between farming and mining can occur, this also seems to strike at the very heart of property rights, not to mention impinging on privacy and trespass laws. If outside interests want to be part of the decision making process regarding land usage then they can only do that if they buy into that land. No one should be able to demand the status of “stakeholder” without first having some stake in that land and therefore should not be entitled to the same rights as the lawful landowner.

Under “Efficient Processes” within the Guiding Principles where it talks about “using risk based approaches based on best available science, evidence and sustainable development principles”. Surely that should mean that farming would always come out ahead of mining interests as one protects and develops the land and the other destroys it? The final section of that principle though that seeks to “protect the public interest” – again what about the interests of the freehold landowner? Why should the general public or a mining company have more interests to protect than the existing landowner? Unlike the farmer, where are these other interested stakeholders supposed equity, stake or ownership of that land?

Further, on Page 6 of the SA MLUF under the Guiding Principle of “Equity” while there is some recognition that not all land uses can be accommodated when seeking a multiple or sequential land use outcome, no amount of leading practice engagement or compensation is going to make it right or palatable for an incompatible land use to be forced upon an existing landowner against their will.

We also query the principle of “Shared Commitment” – we would like you to explain how the community, businesses, the mining industry and the government have the right to “develop multiple and sequential land use options” for land that is already owned and operated by a farmer engaged in the sustainable production of food to feed this nation and the world? Where are the farmers and landowners rights and equity in this “shared commitment”?

GPSA is very concerned about the direction the SA MULF is taking in the interests of allowing mining companies greater ease of access to farming land. Whilst the principles and components supposedly will not alter existing land rights assigned under Crown land, freehold, native title and pastoral leases; the fact that such a biased framework exists and is endorsed by State Cabinet may influence the way in which rights and obligations related to land tenure are imposed on users by the State Government now and into the future.

Consultation and engagement?

While Rural Solutions SA undertook targeted consultations with key South Australian Government land use regulators on the National Multiple Land Use Framework and the current multiple land use stance in South Australia, they did not consult with industry – by industry we mean primary industries not the mining industry. We understand that these consultations determined that a whole of government approach to the development of a SA MLUF would be of benefit to the state and as such, in early 2015, a Reference Group consisting of 13 state government agencies was formed to develop the Framework for stakeholder consideration. The fact that our industry has had no involvement in such a sweeping document until now and then have been only given little over a month to respond is unacceptable. Not only the poor process of engagement to date but also the appalling timing. Seriously expecting farmers; who are the key and only real stakeholders being the landowners; to be able to respond when they are busy harvesting their crops and securing their years income is not what we would call following leading engagement processes nor is it following the Government’s own *South Australia’s Better Together: Principles of engagement*.

GPSA would like to reiterate that there are 98.4 million hectares of land within South Australia. Of this, 4.2 million hectares is used for agriculture. The ability to be able to protect this land for future production is a priority for GPSA.

GPSA would appreciate a response to the concerns we have raised and would welcome the opportunity to meet with the Reference Group. We appreciate you accepting the invitation to attend our next ASAP meeting on the 8th of February 2016 to further discuss the development of this document. If you require any further information, please contact GPSA’s CEO, Mr Darren Arney, on 0448 186 707.

Yours sincerely



Garry Hansen
Chairman
Grain Producers SA Ltd