



**National
Farmers
Federation**

Industry Engagement Guidelines for On-farm Activities

Context

The National Farmers' Federation has developed a national code of conduct incorporating principles to guide respectful and constructive engagement between farmers and industries that require access to land. It relates to activity on farmland including: renewables (solar and wind) development, cultural heritage studies and surveys, carbon industry, the resources industry as well as others that may emerge in the future.

The advent of mining and gas exploration, and more recently, solar and wind farms on agricultural land has often created significant land use conflicts in many regions around Australia, and stress for farmers and farming communities.

While we support industry investment in regional communities, we recognise that a collaborative approach that fosters a respectful and trusted relationship between industry and farmers is critical to ensure farmers rights are maintained, and are able to make informed decisions. These guidelines provide a general set of principles intended for the specific purpose of industry engagement with farmers.

It should also be noted that, a range of legislative and regulatory requirements exist for different types of activities and development, including:

- Development and planning laws;
- Environmental legislation (particularly for an activity that is likely to have a significant impact on matters of state or national environmental significance); and
- Water licencing and regulation.

Guidelines

General

- Parties should be aware of local, state and federal regulation and legislation regarding the activities and/or development prior to commencement of the activity. Where appropriate, the farmer should share information on specific requirements relating to agricultural activity on the land;

- The farmer should be aware of their rights and options. In advance of any discussions regarding access or development on the land, the farmer should have a copy of the industry guidelines (where applicable). Depending on the type, scale and risks involved with the activity, the farmer should seek legal advice to ensure they are appropriately protected;
- Industry should be aware that many farmers may have engaged with a variety of parties requesting access and use of their land. These past experiences will influence how a farmer views industry practices;
- Farmers have a right to reasonably expect that industry will comply with the guidelines at all times. Industry must also be able to demonstrate their compliance with industry guidelines and provide sufficient evidence upon request;
- Activity conducted on land used for farming requires a high level of cooperation and trust between the landholder and the activity proponent. This requires long term face-to-face engagement as well as on the ground staff and all subcontractors, where practical, to help facilitate effective communication. The farmer should have accessible channels of communication with appropriate personnel to engage in discussions, raise questions and resolve issues at every stage of the process. These processes should be agreed in writing by both parties prior to commencement of any construction work; and
- Industry must identify all relevant risks associated with the activities or development and inform the farmer, so far as reasonably possible, of these risks and discuss how they can be managed.

Land use agreements

- Land use agreements should recognise landholder and occupier property rights, and negotiations must be respectful of farmers' use and enjoyment of the land;
- Any agreements made in writing with the farmer should be expressed in a clear, accurate and transparent manner using plain English. A farmer is encouraged to have all agreements in writing, although it may not be legally required for some activities;
- Industry must recognise farmers' concerns associated with large scale projects such as impacts on amenity, changes to the microclimate, and potential loss of productive agricultural land. Proponents should work, as far as practicable, with the farmer to minimise these impacts and integrate development into the broader farm system;
- An agreement should establish the basis for which to achieve this and a process for rehabilitation or other compensatory measures. An agreement should provide a protocol for notifying the timing, duration and nature of the

activity, access routes, and means of liaising, rehabilitation or compensation of any damages;

- In the design and operation of the project or activity, care should be taken to avoid and/or minimise damage to agricultural land where feasible. These could include areas of high production agricultural land and biodiversity, water supplies, maintaining biosecurity etc. and should be agreed through consultation with the farmer and formalised in a written agreement before commencement;
- An agreement should be reached before the commencement of the activity or development regarding agreed outcomes for restoration of the site and any compensation that is determined to be necessary;
- Industry is strongly encouraged to adopt a 'benefit sharing' approach, beyond the landowner directly engaged, when engaging with small regional communities; and
- Responsible stewardship and management should be demonstrated throughout the life of the project. The agreement should detail how this will be achieved and compensatory measures if not.
- Industry must not compromise existing farm practices including: biosecurity, animal husbandry and timing of cropping. Activities undertaken on-farm should respect these operations and be reflected within the agreement.

Community engagement

- A social licence to operate is critical. Community engagement should be genuine, consistent, and based on mutual respect, and occur from the very beginning of a project. The process should seek to build an enduring relationship between the proponent and the community, maximise beneficial outcomes. Engagement and decision-making should be tailored around the needs and expectations of each community;
- Industry should proactively make available information to the broader community in a way that is accurate, accessible and timely throughout the life of the project in a way that reflects the needs and expectations of the particular community;
- Reasonable opportunities where the activity or development can enhance the value of the land in consultation with the farmer are encouraged; and
- Site restitution at the end of the project is critical. The proponent must engage with the farmer to responsibly decommission the site, including infrastructure and possibly recycling (i.e. product stewardship) and ensure that the land is returned to the way it was and or can be used for other agreed purposes.