



**AUSTRALIAN FOOD
SOVEREIGNTY ALLIANCE**

Australian Food Sovereignty Alliance (AFSA)

Legal Guide for farmers (New South Wales)

Updated August 2024

Note: This is intended to be a living document that is updated in accordance with changes to legislation, policy and regulation. Please [email us](#) for the latest version. In addition, AFSA has sought legal support to develop this guide, however we strongly advise that you seek your own legal advice where needed to ensure you are following legislation, guidelines and regulation administered by state and local governments.

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Introduction

If you are a farmer or making plans to farm, this guide will help you navigate what can be a confusing and at times overwhelming range of practical, legal, philosophical, and political concerns. While the focus is on the legalities of farming, from growing to processing and distributing your food, the Guide also encourages you to think about the principles you bring to your farming enterprise.

First, all of us in what is today known as Australia are living on unceded Aboriginal and Torres Strait Islander Land, and whether we are farming or not, we have a responsibility to care for and heal Country. We should all acknowledge on whose traditional lands we are/will be farming. Consider how you can contribute to Indigenous sovereignty, land restitution, paying the rent, and decolonising approaches to agriculture. This may be done by stating one's relationship to the First Peoples on whose Land you are farming. Build this understanding and practical resolutions throughout your approach to farming, processing and distributing your food.

Consider the background you bring to farming, setting out what resources and skills all farmers bring to farming. Who are the parties engaged in the farming enterprise? Are they individuals, businesses or incorporated associations, for instance? If it is more than an individual or family farming, do you need a land sharing agreement? If so see our section on *Land Sharing Agreements*.

Determine your practical, political and philosophical approach to farming – e.g. agroecology, regenerative agriculture, certified organic, biodynamic. (See [AFSA's discussion of the differences and similarities between agroecology and regenerative agriculture](#).) Consider all aspects of your farming system (e.g. are you producing vegetables, pasture-raised animals, eggs or dairy? Are you building processing facilities? Through what distribution channels are you selling?). Ensure you understand all legal requirements of your enterprise (see *sections on Planning & Land-Use Controls, Water Rights and Licensing and Food Safety Licensing*).

Regulatory matters – this Guide will help you understand what regulatory approvals or permits may be necessary (i.e. Local Laws, Planning, NLIS for livestock, PIC number) and agree on a plan for compliance. Do you need planning approvals for your land use (e.g. pastured pigs or poultry, or on-farm processing or sales), or food safety licences for processing or sales (e.g. boning rooms, egg processing, abattoirs, or dairy processing). *Here, you should read sections on Planning & Land-Use Controls and Food Safety Licensing*.

As the ATO considers primary production income as taxable, you need to decide on your business structure (e.g. sole trader, partnership, or cooperative), and register an ABN. If you earn over \$75,000, you will need to [register for GST](#). If you employ others, you will need to

pay income tax and obtain Workcover (*see section on Volunteer Agreements*). Consider insurance responsibilities – public liability, third party etc.

The contents of this Guide have been produced by AFSA for your information and are intended to provide guidance on the relevant laws and regulations as at the date of publication (or as otherwise indicated), but is not a substitute for legal advice and should not be relied upon as such.

AFSA is not liable for any loss, damage or injury (direct or indirect) arising as a result of your reliance on this Guide, or arising as a result of or in part by any act or omission in procuring, compiling, collecting, interpreting, reporting, communicating or delivering any information from this Guide. AFSA encourages readers to seek independent advice regarding the material contained in this Guide.

Planning and Development

I BACKGROUND

The planning system governs the agricultural activities/uses that farmers and producers can legally undertake on any given parcel of land. Every local government area (council) has a **land use plan** that outlines **land use controls**. Land use controls such as **zones** and **overlays** ‘determine the type of activity/use and/or development’ that is ‘allowed (with or without a permit) or prohibited, on a given site’.¹ There may be multiple zones and overlays on a property. For example, in Victoria, a property may be located within both the rural living and green wedge zones.

Land use plans are amended from time to time so it is essential to ensure the current version is being accessed. Issues that arise in this area are typically in relation to the interpretation of the land use plan by the council. Members are welcome to seek support from the AFSA Legal Defence Fund as a first step.

Definitions of intensive and extensive animal production in each state and territory

It is important to have an understanding of what category of land use applies to your farm or prospective farm, ideally before you purchase a property. Amending the land use of your property can be costly and time-consuming. The AFSA Legal Defence Fund can help you to

¹ <https://www.pc.gov.au/research/completed/planning-zoning-reforms/planning-zoning-reforms.pdf>

determine the land use category under the relevant land use plan. The land use plan will determine what types of activities are permitted and restricted on your property. Often small scale farmers' activities will be categorised as "intensive" or "extensive", which will determine what other requirements apply to your farming enterprise. The below table informs readers of this Guide about how animal production land uses are defined under the state planning codes. Please note that local planning schemes may include different definitions.

State	Definition of intensive animal production	Definition of extensive animal production
Victoria	<p>Land used for animal production where:</p> <p>a) all of the animals' food is imported from outside the immediate building, enclosure, paddock or pen; and</p> <p>b) the animals do not obtain food by directly grazing, browsing or foraging plants growing on the land on a daily basis. Other than cattle feedlot and intensive dairy farm, it does not include any other defined use.</p>	<p>Appears to have been deleted in 2018. No current definition seems to exist.</p>
New South Wales	<p>The keeping or breeding, for commercial purposes, of cattle, poultry, pigs, goats, sheep, horses or other livestock, and specifically includes any of the following:</p> <p>(a) dairies (restricted),</p> <p>(b) feedlots,</p> <p>(c) pig farms,</p> <p>(d) poultry farms.</p>	<p>(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes,</p> <p>(b) the grazing of livestock for commercial purposes, where the animals eat plants growing on the land as the main source of dietary requirements,</p> <p>(c) bee keeping,</p> <p>(d) a dairy (pasture-based), where the animals eat plants growing on the land as the main source of dietary requirements,</p> <p>(e) supplementary and emergency feeding, and temporary penning or</p>

		housing of animals for weaning, dipping or related purposes, that is incidental to the grazing of livestock or a dairy (pasture-based)
Queensland	<p>(a) means the use of premises for—</p> <p>(i) the intensive production of animals or animal products, in an enclosure, that requires food and water to be provided mechanically or by hand; or</p> <p>(ii) storing and packing feed and produce, if the use is ancillary to the use in subparagraph (i); but</p> <p>(b) does not include the cultivation of aquatic animals.</p> <p>Examples of intensive animal industry—feedlot, piggery, poultry and egg production.</p>	Appears to be no current definition in legislation/regulation.
Tasmania	Any concentrated, confined animal growing operation for meat, milk or egg production located in pens or houses wherein the animals are provided with externally sourced feed.	Cannot find a current definition.

II PLANNING & LAND USE CONTROL

1 Land Use Controls

The land use controls, including the **zone**, that apply to a property can be determined by obtaining the **planning certificate** for a specific property or using the **ePlanning Spatial Viewer** to locate that property.

(a) Planning Certificate

Section 10.7 of the *Environmental Planning and Assessment Act 1979* (NSW) entitles people to apply for and receive a Planning Certificate from a local council. This can be done by either submitting an online application through the [NSW Planning Portal](#) (which requires registering an account), or lodging a written application to the local council (if the relevant council does not accept online applications).

In making an application, it is necessary to select the type(s) of Planning Certificate that are sought. There are two types available — ‘Section 10.7(2)’ and ‘Section 10.7(5)’ certificates. Both types provide information about zoning, state/regional/local planning controls, and other property constraints applicable to the property. Section 10.7.5 certificates provide additional information such as advice from other authorities and any information held by the council on the property.²

(b) ePlanning Spatial Viewer

The [ePlanning Spatial Viewer](#) has filters that allow users to search for the controls that apply to any property. The first step is to search for the relevant property. Ensure the map is sufficiently ‘zoomed in’ to the property otherwise the information may not show on the map. There are two ways to determine the applicable zone.³ The first way is to go to the search results tab on the right-hand side of the screen. Open this and click on the plus symbol beside the Land Zoning option to see the zone(s) that apply. The second way is to select the ‘land zoning map’ layer (Principal Planning Layers) from the layers tab on the left-hand side of the screen. The land zoning will be displayed on the map. To view the legend, select the legend tab on the left-hand side of the screen’. The legend tab may only show the code for the zone. In this case, it may be necessary to search the results tab to see the name of the zone.

2 Local Environmental Plan

In New South Wales, land use plans are called ‘local environmental plans’ (‘LEPs’), for example [Maitland Local Environmental Plan 2011](#). The LEP for a council can be accessed on the ‘Environmental Planning Instruments’ page of the [NSW Planning Portal](#) or [NSW Legislation](#).

²<https://pp.planningportal.nsw.gov.au/post-consent-certificates/online-section-107-planning-certificate-service>

³https://shared-drupal-s3fs.s3-ap-southeast-2.amazonaws.com/master-test/fapub_pdf/QRGs/FAQs+ePlanning+Spatial+Viewer.pdf

The Standard Instrument — Principal Local Environmental Plan (‘Standard Instrument’) is a broader planning instrument that ensures that LEPs are consistent across all councils.

3 *State Environmental Plan*

Farmers and landholders in New South Wales should also be aware of State Environmental Planning Policies (SEPPs), which can provide more flexibility on what you can or cannot do on your land. SEPPs are especially helpful for farmers or anyone living on acreage as the LEPs can be quite restrictive, whereas the SEPPs can be applied more broadly to the same issue or topic. Here’s a list of SEPPs worth noting:

Focus area	SEPP
Housing	Housing SEPP
Transport and Infrastructure	Transport and Infrastructure SEPP
Primary Production	Primary Production SEPP
Biodiversity and conservation	Biodiversity and conservation SEPP
Resilience and hazards	Resilience and hazards SEPP
Industry and employment	Industry and employment SEPP
Resources and energy	Resources and energy SEPP
Planning systems	Planning systems SEPP Precincts SEPPs: Eastern Harbour City SEPP , Western Parkland City SEPP , Central River City SEPP and Regional SEPP
Exempt and Complying Development	State Environmental Planning Policy (Exempt And Complying Development Codes) 2008
Environmental Planning	Environmental Planning And Assessment Act 1979

4 Zoning

It is important to note that the NSW Planning System has recently undergone reforms including the repeal and enactment of new zones by the end of 2022. This guide does not yet include specific information on zones while they are still in a state of significant flux.

The 'Land Use Table' in the relevant LEP outlines how the zone in which a property is located affects the types of farming that are allowed (with or without consent) or prohibited in each zone. For example, in a rural landscape zone in the Maitland Council, 'extensive agriculture' is permitted without consent, 'agriculture' is permitted with consent, but 'intensive livestock agriculture' is prohibited (as at 19 July 2022).⁴

Each use is defined in the Dictionary section of the LEP. For example, 'extensive agriculture' includes '(a) the production of crops or fodder (including irrigated pasture and fodder crops) for commercial purposes, (b) bee keeping, (c) a dairy (pasture-based) where the animals generally feed by grazing on living grasses and other plants on the land as their primary source of dietary requirements, and any supplementary or emergency feeding, or temporary agistment or housing for weaning, dipping, tagging or similar husbandry purposes, of the animals' (as at 7 September 2022).⁵

PLEASE NOTE: AFSA is currently in the process of including a land-use table that clearly outlines permit requirements for farmers in New South Wales. This table will be included in the document by the end of August 2024.

Livestock Farming

Pigs

All owners and keepers of pigs must, regardless of the intended use of the pigs (pets, breeders or commercial piggeries) must:

- register the property where pig/s are kept with a [Property Identification Code](#) (PIC) and a tattoo brand number
- tag or tattoo all pigs moving off their property

⁴ *Maitland Local Environmental Plan 2011* (NSW), p. 13.

⁵ *Maitland Local Environmental Plan 2011* (NSW), p. 84.

- register with [PigPass](#), and complete paperwork for all pigs moving on or off their property
- **refrain from feeding pigs swill:** meat products or food that has been in contact with meat products. See more information and penalties that apply [here](#).

More details can be found [here](#).

All local councils in NSW define pig farms as 'intensive agriculture' in the local environment plan (LEP), as pigs require most of their food to be imported from outside their enclosures. Intensive livestock agriculture activities are commonly permitted with consent and require a development application, typically in the following land zones:

- RU1 – Primary Production
- RU2 – Rural Landscape (in certain areas)
- RU4 – Primary Production Small Lots in certain areas.

In most LEPs, intensive livestock projects require consent in the RU1 zone. In RU2 and RU4 zones, projects sometimes require consent or may be prohibited. Where intensive livestock development is permissible, it is a requirement for the local environmental plan (LEP) to require consent for the following projects:

- a pig farm able to accommodate 200 or more pigs or 20 or more breeding sows; and
- any pig farm located within 500 metres of a dwelling not associated with the development or in an environmentally sensitive area.

We recommend having a conversation with your local council before purchasing pigs, as there may be other restrictions placed on your property, such as areas of environmental sensitivity, which may impact planning approval. For example, the following will require you to obtain an environmental impact statement on your farm because it is classified as designated development:

Pig farms--

- that accommodate more than 200 pigs or 20 breeding sows and are located--
 - within 100 metres of a natural waterbody or wetland, or
 - in an area of high watertable, highly permeable soils or acid sulphate, sodic or saline soils, or
 - on land that slopes at more than 6 degrees to the horizontal, or
 - within a drinking water catchment, or
 - on a floodplain, or
 - within 5 kilometres of a residential zone and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, traffic or waste, or
- that accommodate more than 2,000 pigs or 200 breeding sows.

Health and welfare legislation and guidelines must be followed if you have pigs on your property. Please find detailed information on the NSW Department of Primary Industries [website](#).

Cattle, sheep and goats

Cattle, sheep and goat farmers and keepers must ensure that:

- the land on which their animals are kept has a Property Identification Code (PIC)
- their animals are identified in the right (offside) ear with an NLIS ear tag before leaving their property
- the arrival of livestock directly from another property is registered within 2 days on the NLIS database
- a National Vendor Declaration (NVD) form or similar movement document is supplied to the person receiving their animals.
- A National Sheep or Goat Health Statement is required for movements of sheep and goats into NSW, and may be required by some purchasers, but is not an approved movement document for NLIS purposes.
- Once an NLIS sheep/goat tag is attached, it must not be removed until the animal is processed in an abattoir or knackery.

More information can be found [here](#).

We recommend having a conversation with your local council before purchasing cattle, as there may be other restrictions placed on your property, such as areas of environmental sensitivity, which may impact planning approval.

Livestock health and welfare legislation and guidelines must be followed if you have animals on your property. Please find detailed information on the NSW Department of Primary Industries [website](#).

Poultry

If you have more than 100 poultry on your property you must have a Property Identification Code (PIC) to assist with traceability and biosecurity.

In most LEPs, intensive livestock projects require consent in the RU1 zone. In RU2 and RU4 zones, projects sometimes require consent or may be prohibited. Where intensive livestock development is permissible, it is a requirement for the local environmental plan (LEP) to require consent for the following projects:

- poultry production facilities able to accommodate 1,000 or more birds; and

- any poultry production facility located within 500 metres of a dwelling not associated with the development or in an environmentally sensitive area.

We recommend having a conversation with your local council before purchasing poultry, as there may be other restrictions placed on your property, such as areas of environmental sensitivity, which may impact planning approval. For example, the following will require you to obtain an environmental impact statement on your farm because it is classified as designated development:

- Poultry farms for the commercial production of birds (such as domestic fowls, turkeys, ducks, geese, game birds and emus), whether as meat birds, layers for egg production or breeders and whether as free range or shedded birds–
 - that accommodate more than 250,000 birds, or
 - that are located–
 - within 100 metres of a natural waterbody or wetland, or
 - within a drinking water catchment, or
 - within 500 metres of another poultry farm, or
 - within 500 metres of a residential zone or 150 metres of a dwelling not associated with the development and, in the opinion of the consent authority, having regard to topography and local meteorological conditions, are likely to significantly affect the amenity of the neighbourhood by reason of noise, odour, dust, lights, traffic or waste.

The distance between poultry farms is to be measured as the shortest distance between the edge of any facilities or works associated with an existing poultry farm and the facilities or works to which the development application applies (excluding access roads).

Health and welfare legislation and guidelines must be followed if you have poultry on your property. Please find detailed information on the Department of Primary Industries [website](#).

Bees

In NSW, beekeepers who own European honey bees (*Apis mellifera*) must register with NSW DPI. Registration is valid for 2 years. Business registration is for those intending to derive a taxable income (part time/full time business) from the sale of bees or hive products (eg. honey, beeswax). Business registration is not defined by the number of hives that you own. However, if you own 50 or more hives, there are additional requirements that apply to you under the Australian Honey Bee Industry Biosecurity Code of Practice: <https://beeaware.org.au/code-of-practice/>.

More information about registration can be found [here](#).

Registered beekeepers must only use a frame hive (a hive containing only movable frames which may be separately and readily removed for examination, OR a hive containing fixed

frames in the honey-super boxes of the hive, and a broodbox (being the bottom box of an active hive) with movable frames, and a queen excluder which is fitted immediately above the broodbox of the hive in order to prevent the queen from gaining access to the honey-super boxes of the hive.

Beekeepers must keep written records (which may be in electronic form) of the following and retain that record in a readily accessible form for a period of 5 years:

- if a hive of the registered entity that contains bees has been lost, stolen or destroyed; the date on which that occurred, and the number of hives to which this occurred.
- disposes (including by sale) of a queen bee or colony of bees to another person; the date on which the disposal occurred, and the number of queen bees or colonies of bees disposed of, and the method of disposal (for example, by sale or gift), and the name, postal address and beekeeper registration number of the person to whom the queen bee or colony of bees was disposed.

Registered beekeepers must:

- notify NSW DPI of a change in the contact details within 7 days after the change occurs.
- report notifiable bee pests and diseases to NSW DPI within 1 working day after the person first suspects or becomes aware of the presence; and
- manage the hives to minimise risk of a nuisance or threat to the amenity or health of any other person or property.

Horticulture

Currently in Australia, growing most fresh fruit and vegetables for direct sales does not require a licence and does not experience much regulatory burden. This, coupled with the smaller land size required, can make market gardening a more accessible and appealing avenue for young and emerging small-scale farmers, and can be a great way to begin your journey into agroecology and food sovereignty.

Please note that if you are growing for commercial purposes, you will require a water licence for commercial extraction in all states. More information can be found in the Water Rights and Licensing section.

The Australian Competition and Consumer Protection Commission (**ACCC**) is responsible for the Horticulture Code of Conduct under the *Competition and Consumer Act 2010* (Cth). The Code is designed to regulate trade between growers and wholesalers and to avoid conflicts of interest. The Code demands mandatory compliance (for example, entering into written trade agreements). For small-scale growers selling directly to eaters, the Code does not apply.

However, there are new standards that will come into effect Australia-wide on 25 February 2025 that introduce three new primary production and processing Standards that will affect growers of leafy vegetables, berries and melons. The Standards can be viewed here:

- [Standard 4.2.7 – Primary Production and Processing Standard for Berries](#)
- [Standard 4.2.8 – Primary Production and Processing Standard for Leafy Vegetables](#)
- [Standard 4.2.9 – Primary Production and Processing Standard for Melons](#)

As at April 2024, AFSA is working with state governments in the implementation of the new standards to ensure the burden on small-scale market gardeners is commensurate with their low risk, particularly around the costs that may be incurred in meeting any new requirements.

You can view AFSA’s earlier submissions to FSANZ [here](#) (please note, this link will open as a ZIPfile containing a number of submissions, one of which was prepared by AFSA).

Water Rights and Licensing

In New South Wales the government controls the use and flow of all water in lakes, rivers, and aquifers. The central legislation that regulates water usage is the [Water Management Act 2000 \(Act\)](#).

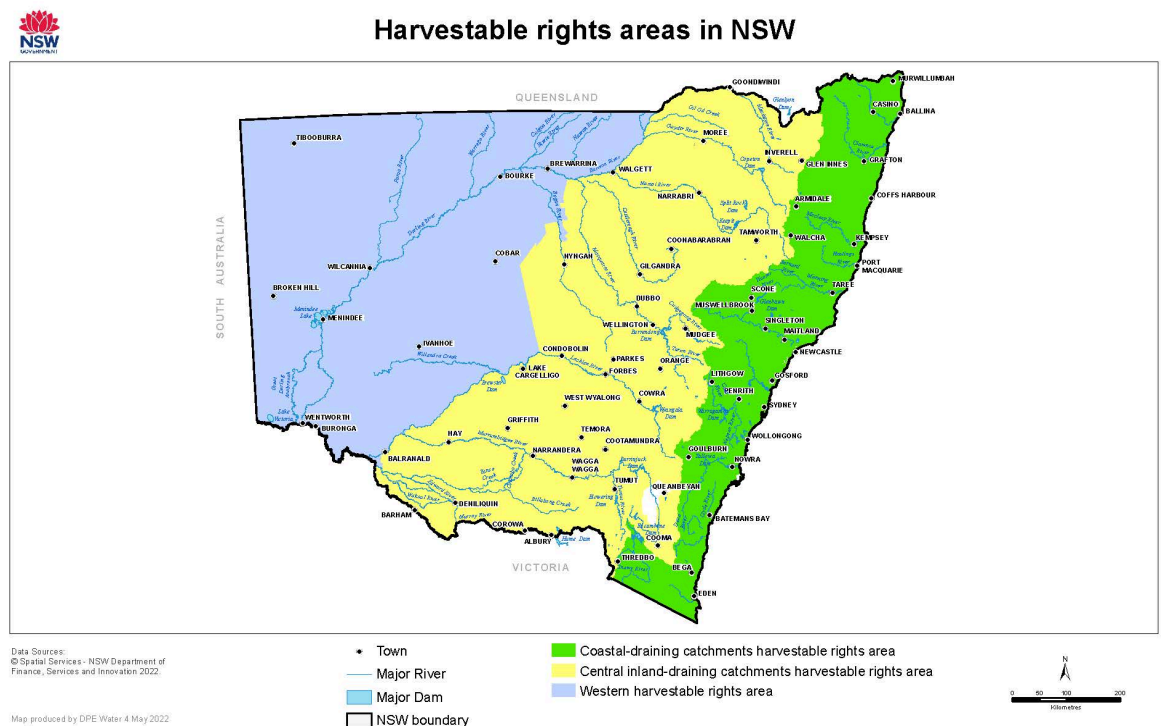
For private entities such as rural landholders, water access licences are granted by WaterNSW. WaterNSW is responsible for managing access to water and ensuring that it is equitably shared between the environment, farmers, and industry. The requirements for a licence depends on how and why the water is required. There are instances where a water access licence is not needed to use water and these are outlined in the Act.

Using water without a licence:

There are three types of landholder rights that allow the use of water without a water access licence. These are domestic and stock rights, harvestable rights, and native title rights.

1. Domestic and stock rights:
 - a. Owners or occupiers of land can without a licence take water from any river, estuary, or lake to which the land has frontage or from any aquifer underlying the land, and to construct and use a water supply work for that purpose, and to use that water for domestic and stock purposes but for no other purpose.
 - b. An “occupier” of land can mean a tenant, lessee, business operating on a property, trust, or other person or entity in possession of the land. If you are unsure whether you are an occupier of land, you should seek independent legal advice.

- c. Domestic consumption entails consumption for normal household purposes in domestic premises. Stock watering means the watering of stock animals being raised on the land but does not include stock raised in a commercially intensive manner such as those kept in buildings or feedlots for a substantial portion of their lives.
 - d. There are a few exemptions. For example, if an owner or occupier wants to construct a dam or a bore, they must first obtain a [water supply work approval](#). As a general guide, any activity that affects the quantity or flow of water in a water source will be considered a “controlled activity” under the Act. These types of activities will require controlled activity approval.
2. Harvestable rights:
- a. Landholders may build harvestable dams on non-permanent minor streams, hillsides, or gullies, and capture a percentage of rainfall runoff from their landholding.
 - b. Note that these water supply works cannot be built on or within 40 metres of a third-order or higher order stream, a declared floodplain, or within 3 km upstream of a wetland of international importance. Further information on where dams can be constructed is available at the following [example](#).
 - c. Harvestable rights work by harvestable right orders which set out, among other things how the water can be used and the amount that can be collected. Listed below is a map delineating the boundaries where separate harvestable right orders begin.



- d. The **coastal-draining catchments** harvestable rights area enables up to 30% of the average annual regional rainfall runoff to be captured and used for domestic consumption, stock watering, and extensive agriculture. To read more on this area click [here](#).

- i. For the Coastal-draining catchments area, a notification form is required to be lodged if over 10% of the rainfall runoff is to be captured and stored. The notification form can be found [here](#). It is a requirement that it be lodged within 28 days of construction of a new dam or enlarging an existing dam to make it carry over 10% of the rainfall runoff.
 - e. The **Central inland-draining catchments** harvestable rights area enables up to 10% of the average annual regional rainfall runoff to be captured, which can be used for any purpose.
 - f. The **Western** harvestable rights area enables all rainfall runoff to be captured and also used for any purpose.
 - g. Regarding the volume that can be collected, there is a limit known as the maximum harvestable right dam capacity (**MHRDC**). The combined volume of all dams that capture and store harvestable rights water cannot exceed the MHRDC. A free calculator to determine the MHRDC for your landholding can be found [here](#).
- 3. Native title
 - a. Native title holders are allowed to take and use water for the purposes of the native title determination without the need of a licence, water supply work approval, or water use approval.
 - b. There are some exceptions. For example, if a dam or bore is constructed a water supply work approval is required. In addition, there is a maximum amount of water permitted to be taken or used in any given year. You should seek independent advice from your relevant native title prescribed body corporate to confirm how the regulations affect your intended usage.

Obtaining a water access licence:

There are two types of water access licences in NSW. These are:

1. Zero-share; and
2. Specific purpose.

Zero-share licences do not come with a share in of water in of itself, however it provides a water allocation account that allows the account holder to purchase or transfer water allocation from another water access licence holder on an annual basis.

A specific purpose licence entitles its holder to specified shares in the available water within a water share management area or from a specified water source. It entitles its holder to take water at specified times, at specified rates, or in specified circumstances. However, it does not permit the use of the water for any other purpose that is not specified by the licence. Nor does it permit the usage or construction of a water supply work.

In addition to zero-share and specific purpose licences, there are controlled allocation orders which allows a person to obtain a water access licence. Controlled allocation licences are obtained via the NSW Government Gazette through auction, tender, or other means specified.

To apply for a licence, there is an online application form which can be found [here](#).

Food Licences

Meat Processing

AFSA has long supported smallholders in reclaiming the means of production, including the infrastructure intrinsic to agroecology, such as abattoirs, boning rooms, grain mills, dairy processing facilities and more. For livestock farmers intent on building processing facilities on farm, this section outlines your responsibilities under legislation. You will be joining a growing movement of farmers with control of the value chain - a critical step in the struggle for food sovereignty.

The requirements are typically not overly onerous or expensive for meat processing, but can be confusing when you first start out. The principles small-scale farmers raising animals on pasture hold dear - to raise animals well and subject them to as few stresses as possible while respecting their natural instincts - carries through to facilities for slaughter, to then transform carcasses into delicious, nutritious, ethical, ecologically sound and socially just meat to nourish local communities. Meeting the standards just means translating these principles and an ethic of care into construction of safe and hygienic facilities, and implementing the same high standards you bring to farming to food safety.

In New South Wales, all meat production activities are regulated by the NSW Food Authority, under the *Food Act 2003* (NSW), *Food Regulations 2015*, and the Food Standards Code.

A licence is required for the following activities:

- Meat processing plant (any place where meat/fish/poultry is stored, packed, packaged, treated, processed, boned or cut up);
- Abattoir (more information can be found [here](#));
- Rendering plant;
- Game meat field depot;
- Game meat processing (more information can be found [here](#));
- Meat retail premises; and
- Poultry processing.

To get a NSW Food Authority licence, you need to:

- Ensure your facility is fit for purpose, in a good state of repair, can be cleaned and

- sanitised effectively, and complies with the relevant standards.
- Develop a written food safety program.
 - See more information [here](#)
- Submit a [licence application](#).
- Pay the application fee.
- Be audited by NSW Food Authority.

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the NSW Food Authority website. All meat processing facilities must comply with the [Australian Standard AS 4696–2007, Hygienic production and transportation of meat and meat products for human consumption](#).

Once the application and the relevant fee has been received, your facility will need to be inspected to ensure it complies with the relevant standards. This will be carried out by the NSW Food Authority.

The cost of your application will vary depending on how many FTE (full-time equivalent) food handlers you employ. The [schedule of fees](#) can be found on the [NSW Food Authority website](#).

Third Party Audits

Under the [NSW Food Regulation 2015](#), food businesses are licensed with the [NSW Food Authority](#), including:

- businesses that handle, process or store meat
- dairy farms, factories, vendors and milk collection contractors
- businesses that handle seafood and shellfish
- food service to vulnerable persons in hospitals and aged care facilities
- high priority plant product businesses
- the egg industry

The Food Authority is responsible for conducting regular audits and inspections of all licensed businesses, and uses the national risk profiling tool, called the [Food Safety Risk Priority Classification Framework \(RPF\)](#) to determine the risks associated with food businesses.

The RPF comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

- Priority 1 (P1)
- Priority 2 (P2)
- Priority 3 (P3)

- Priority 4 (P4)

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. For example, under the RPF, a catering business is classified as P1 (high food safety risk), whereas a pig farm is considered P3 (intermediate risk), and a whole grain farm is considered P4 (low risk).

If you're unsure about what to expect during an audit, [head here](#) for a checklist provided by the NSW Government.

Once your business has been audited, you'll be given a ranking A-E (A-B is acceptable, C is marginal and D-E is unacceptable). From here, the frequency of audits will be determined based on your priority classification (P1-P4) as well as your ranking (A-E). Here is an example of what an auditing schedule under the NSW system might look like:

Rating	Priority 1	Priority 2
A	12 months	24 months
B	6 months	12 months
C	3 months	6 months

For more information, please check the [NSW Food Authority website](#).

Eggs

If you are a 'small egg farm' - producing less than 20 dozen eggs per week - you do not need to apply for a NSW Food Authority licence.

However, you do need to notify the Food Authority with your business details and food activities, such as selling your eggs. Even if you're only selling your eggs from your farm gate or at the local markets, you are required to notify the NSW Food Authority of your flock details.

Egg production in NSW is regulated by the NSW Food Authority. If you are producing eggs in NSW, you need to meet the requirements set by the relevant standards and guidelines. These are:

1. Food Standards Code:

- relevant sections of [Chapter 1. - General Food Standards](#) covers labelling substances allowed in food; microbiological limits; etc
 - [Standard 2.2.2 - Egg and Egg Products](#) covers sale of cracked or dirty eggs, unprocessed pulp; and traceability
 - [Standard 3.2.2 - Food Safety Practices and General Requirements](#) covers food handling skills & knowledge; handling controls; health & hygiene; cleaning & sanitising; etc
 - [Standard 3.2.3 - Food Premises and Equipment](#) covers new, existing, temporary, mobile & domestic premises; transport vehicles; water; waste; fixtures & fittings; hand washing facilities; toilet facilities; storage facilities; etc
2. [Food Regulation 2015](#), including:
 - relevant sections of [Part 13. Egg Food Safety Scheme](#), and notification of business details
 3. [Food Act 2003](#):
 - general requirements throughout the Act
 - notification of business activities in [ss 100-101](#), and
 - may need to be inspected in response to an incident

Third Party Audits

If you are a small egg farm, producing no more than 20 dozen (around 240) eggs per week, you **will not** be subject to routine inspections or audits.

However, in the event of an incident or complaint by a local community member, you may be need to comply with a routine inspection to investigate such claims.

Larger egg producers—businesses or farms that produce more than 20 dozen (240) eggs for sale per week—**will be** routinely inspected by the Food Authority for compliance with requirements.

Under the [NSW Food Regulation 2015](#), food businesses are licensed with the [NSW Food Authority](#), including:

- businesses that handle, process or store meat
- dairy farms, factories, vendors and milk collection contractors
- businesses that handle seafood and shellfish
- food service to vulnerable persons in hospitals and aged care facilities
- high priority plant product businesses
- the egg industry

The Food Authority is responsible for conducting regular audits and inspections of all licensed businesses, and uses the national risk profiling tool, called the [Food Safety Risk Priority Classification Framework \(RPF\)](#) to determine the risks associated with food businesses.

The RPF comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

- Priority 1 (P1)
- Priority 2 (P2)
- Priority 3 (P3)
- Priority 4 (P4)

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. For example, under the RPF, a catering business is classified as P1 (high food safety risk), whereas a pig farm is considered P3 (intermediate risk), and a whole grain farm is considered P4 (low risk).

If you're unsure about what to expect during an audit, [head here](#) for a checklist provided by the NSW Government.

Once your business has been audited, you'll be given a ranking A-E (A-B is acceptable, C is marginal and D-E is unacceptable). From here, the frequency of audits will be determined based on your priority classification (P1-P4) as well as your ranking (A-E). Here is an example of what an auditing schedule under the NSW system might look like:

Rating	Priority 1	Priority 2
A	12 months	24 months
B	6 months	12 months
C	3 months	6 months

For more information on audits, please check the [NSW Food Authority website](#).

Dairy Production & Processing

Production (Farming)

Dairy production in New South Wales is regulated by the NSW Food Authority under the [Food Act 2003](#) (NSW), [Food Regulations 2015](#), and the [Food Standards Code](#). This includes keeping, grazing, feeding and milking of animals, and storing milk product on the premises at which the animals were milked.

To get a NSW Food Authority licence, you need to:

- Ensure your facility is fit for purpose, in a good state of repair, can be cleaned and sanitised effectively, and complies with the relevant standards.
 - The full requirements are set out in the Food Standards Code, [Standard 3.2.2 - Food Safety Practices and General Requirements, clause 3](#) and the FSANZ guide [Safe Food Australia](#)
- Develop a written food safety program.
 - See more information [here](#)
- Develop a documented cleaning schedule that identifies:
 - all fixtures, fittings and equipment used in the processing of dairy products
 - the frequency of cleaning
 - how all fixtures, fittings and equipment are cleaned and sanitised
 - how food contact surfaces and utensils are sanitised (where applicable)
 - chemical usage eg. strength, contact times, temperature
- Submit a licence application.
- Pay the application fee.
- Be audited by NSW Food Authority.

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to, as listed above.

When you are confident that your facility complies, you must complete an application form for your relevant activity. Application forms can be found [here](#) - select 'Dairy Primary Production'.

Once the application and the relevant fee has been received, your facility will need to be inspected to ensure it complies with the relevant standards. This will be carried out by the NSW Food Authority.

Please see **Auditing** for more detailed information about inspection and audits.

The cost of your application will vary depending on how many FTE (full-time equivalent) food handlers you employ.

PLEASE NOTE: The only testing required by dairy primary production businesses is for unpasteurised goats' milk that is being packaged at the business. Testing requirements are outlined in the [NSW Food Safety Schemes Manual](#).

Processing (Manufacturing)

To process dairy products on your property, you must hold a licence from the NSW Food Authority. Dairy processing includes businesses that deal in the packaging, treating, cutting or manufacturing of dairy products, and the packing and storing of those products on the premises where they are processed.

Dairy products include colostrum, milk and any food that contains at least 50% milk or any substance produced from milk (by weight measurement). These include:

- liquid milk products, buttermilk, concentrated buttermilk
- dairy blend
- cream, thickened cream
- butter, butter concentrate, ghee, anhydrous milk fat (butter oil)
- cheese
- yoghurt, cultured milk
- Ice cream, ice cream mix
- casein, caseinate, whey, whey cream, concentrated whey cream
- buttermilk powder, lactose powder, milk sugar, powdered milk, skim milk powder, whey powder, milk protein powder
- other milk and concentrates.

The licensing requirements for Dairy Processing are the same as Dairy Production, so please refer to the steps above.

However, there are extra regulatory controls placed on Dairy Processing in NSW that need to be followed as part of your licensee obligations.

[Standard 4.2.4 - Primary Production and Processing Standard Dairy](#) explains the requirements for the safe processing of milk and dairy products (Clause 15) and for processing of dairy products to make cheese and cheese products (Clause 16).

A person must not sell a dairy product for human consumption unless the product has been processed in line with these requirements. Under Clause 15, you must safely level any pathogenic microorganisms that may be present in the raw milk.

Clause 15 and 16 do not apply to:

- a dairy primary production business for the sale of milk or cream to a dairy processing business, or

- a dairy processing business for the sale of a dairy product to another dairy processing business, or
- goats milk, but only if the milk has been produced in compliance with a Food Safety Program (FSP) and (in the case of unpasteurised milk) the milk bears a label with a statement that complies with Clause 2 of [Standard 1.2.3 - Mandatory Warning and Advisory Statements and Declarations](#).

Notification of residue detection for raw milk

Operators in the dairy processing industry that receive raw milk directly from the farm need to advise the NSW Food Authority if they detect antibiotic residue in the raw milk. If a sample does not meet the standards set out in the [NSW Food Safety Schemes Manual](#) the licence holder must [notify the Food Authority](#) within 24 hours by phone, and within 7 days in writing. For the written notice, complete and lodge: [Notification of Residue Detection Form RES001 \(WORD\)](#).

Pasteuriser requirements

Equipment used for pasteurising dairy products at a processing business must comply with the requirements of the [Guidelines for Food Safety: Validation and Verification of Heat Treatment Equipment and Processes](#). The guidelines have been developed by the Australia New Zealand Dairy Authorities' Committee (ANZDAC).

- *Salmonella* Control
 - Dairy processing businesses must control Salmonella contamination in dried milk products in keeping with the [Australian Manual for Control of Salmonella in the Dairy Industry](#) published by the Australian Dairy Authorities' Standards Committee.
- *Listeria* Control
 - Dairy processing businesses must control Listeria contamination in keeping with the [Australian Manual for Control of Listeria in the Dairy Industry](#) published by the Australian Dairy Authorities' Standards Committee.

Testing

Businesses operating in the dairy processing industry must meet the requirements outlined in the [NSW Food Safety Schemes Manual](#). The Manual details microbiological testing requirements. Importantly, you should know that:

- Microbiological testing is required to confirm that processing is hygienic and sanitary and required meeting standards
- Testing must involve the National Association of Testing Authorities (NATA) or a laboratory approved by the Food Authority
- Any analysis is at the licence holder's expense
- If a sample does not meet the standards set out in the Manual, the licence holder must notify the Food Authority within 24 hours by phone, and within 7 days in writing.

Once the licence application and the relevant fee has been received, your facility will need to

be inspected to ensure it complies with the relevant standards. This will be carried out by the NSW Food Authority.

Please see **Auditing** for more detailed information about inspection and audits.

The cost of your application will vary depending on how many FTE (full-time equivalent) food handlers you employ.

Raw Milk/Cheese

In NSW, the sale of raw (unpasteurised) milk from cows for human consumption is illegal. The sale of unpasteurised goats milk is only permitted subject to compliance with the dairy food safety scheme and an advisory statement that the milk is unpasteurised must be included on the product.

Raw milk can be used to manufacture cheese if:

- You hold a dairy primary production licence with the NSW Food Authority (if producing the milk on your property); and/or
- You hold a dairy processing licence with NSW Food Authority; and
- Have completed a production process pro forma (see below)

Any NSW business producing raw milk cheese must complete a production process [pro forma](#), which is a written description of the steps used to make a particular product. The pro forma can demonstrate to the Food Authority that the production process used is effective in reducing the numbers of *L.monocytogenes* to a safe level. The NSW Food Authority will review the pro forma and must provide approval before manufacture can begin.

Cheese producers wishing to produce raw milk cheese can download the [Raw Milk Cheese Decision Support Tool](#). The tool was developed to assist cheese producers and food safety managers assess whether a particular raw milk cheese, and process, satisfies Australian regulations for safe production.

Third Party Audits

The Food Authority is responsible for conducting regular audits and inspections of all licensed businesses, such as dairy, and uses the national risk profiling tool, called the [Food Safety Risk Priority Classification Framework \(RPF\)](#) to determine the risks associated with food businesses.

The RPF comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

- Priority 1 (P1)

- Priority 2 (P2)
- Priority 3 (P3)
- Priority 4 (P4)

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. For example, under the RPF, a catering business is classified as P1 (high food safety risk), whereas a pig farm is considered P3 (intermediate risk), and a whole grain farm is considered P4 (low risk).

If you're unsure about what to expect during an audit, [head here](#) for a checklist provided by the NSW Government.

Once your business has been audited, you'll be given a ranking A-E (A-B is acceptable, C is marginal and D-E is unacceptable). From here, the frequency of audits will be determined based on your priority classification (P1-P4) as well as your ranking (A-E). Here is an example of what an auditing schedule under the NSW system might look like:

Rating	Priority 1	Priority 2
A	12 months	24 months
B	6 months	12 months
C	3 months	6 months

For more information on audits, please check the [NSW Food Authority website](#).

Food Sales

Farm gate/On-site

Previously in NSW, most council areas required you to lodge a development application for a roadside stall from which to sell meat, dairy, eggs, honey, fruit and vegetables. If you wanted to build a small shop on your property to sell from, you were required to lodge another development application under a 'retail premises' land use term.

However, the Standard Instrument (Local Environmental Plans) Amendment (Agritourism) Order 2022 has created a new definition for 'farm gate premises' (previously called 'farm gate activities') which allows a building or place on a farm, with commercial agriculture, to sell produce. The produce sold is to be mostly grown on the farm and supplemented with produce from other local farms in the area. This includes the processing, packaging and sale of products, but not the processing of animals.

This includes an optional clause that councils can adopt into their local planning scheme to make farm gate premises 'exempt development', meaning you do not need approval from the council. This will make it easier for small-scale producers to sell directly from their property in NSW.

Roadside stalls are also considered 'exempt development' and do not need approval from your local council.

More detailed information can be found in this [Agritourism and Small-scale Agriculture Fact Sheet](#).

You will also need to register with the NSW Food Authority as a food business if you are selling meat, eggs, dairy or high-risk plant products (seed sprouts) - you can find more information [here](#).

Off-site/Farmers Markets

To sell meat, dairy, eggs, honey, fruit and vegetables from a stall or vehicle in a public place you will need local council approval. Examples of the sort of activities that require approval include:

- selling goods from a vehicle or stand
- temporary food stalls
- mobile food vendors

For example, Lismore Shire Council requires you to apply for a permit to operate a market stall or food van at a market or event within the Lismore City Council Local Government Area (LGA). The application form can be found [here](#) and the associated fees can be found on Page 62 of the [Fees and Charges](#) documents.

You will also need to register with the NSW Food Authority as a food business if you are selling meat, eggs, dairy or high-risk plant products (seed sprouts) - you can find more information [here](#).

Chapter 3 of the *Food Standards Australia & New Zealand Food Standards Code* sets out food safety objectives that apply to the sale of all food in Australia. You must ensure that you follow the standards outlined in the Code.

Abattoirs

On-Farm Slaughter

In NSW, you do not need a NSW Food Authority licence if you are slaughtering your own animals on your property for private consumption at home.

Section 78 of the *Food Regulation 2015* (NSW) states that the meat food safety scheme does not apply to or in respect of the handling of food that is not intended for sale

Please note that you do require a gun licence (if this is what you are using). Find gun licencing requirements [here](#).

There are specific animal welfare standards in Australia that must be followed when slaughtering animals, even if it is for private consumption. You can find more information [here](#).

Abattoir

To operate an abattoir on your property, you will need a licence from the NSW Food Authority. To get a NSW Food Authority licence, you need to:

- Ensure your facility is fit for purpose, in a good state of repair, can be cleaned and sanitised effectively, and complies with the relevant standards.
- Develop a written food safety program.
 - See more information [here](#)
- Submit a licence application.
- Pay the application fee.
- Be audited by NSW Food Authority.

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the NSW Food Authority website.

For example, a meat processing plant that processes cattle, sheep, pig, deer, goat, camel and buffalo must comply with:

- [Food Act 2003 \(NSW\)](#)
- [Food Regulation 2015](#), including relevant parts of the Meat Food Safety Scheme
- [Food Safety Schemes Manual](#)
- [Food Standards Code](#), including -
 - [Chapter 1, Part 1.2 - Labelling and other Information Requirements](#)
 - [Standard 1.3.1 - Food Additives](#)
 - [Standard 3.2.2 - Food Safety Practices and General Requirements](#)
 - [Standard 3.2.3 - Food Premises and Equipment](#)
- [Australian Standard AS 4696–2007, Hygienic production and transportation of meat and meat products for human consumption](#)

Once you are confident that your facility complies, you must complete an application form for your relevant activity. Application forms can be found [here](#) - select your relevant activity on

the application form.

Once the application and the relevant fee has been received, your facility will need to be inspected to ensure it complies with the relevant standards. This will be carried out by the NSW Food Authority.

Please see **Auditing** for more detailed information about inspection and audits.

The cost of your application will vary depending on how many FTE (full-time equivalent) food handlers you employ.

Third Party Audits

In New South Wales, red meat abattoirs will be audited by the Food Authority for compliance with [requirements](#).

The Biosecurity Management Plan Implementation Program is an inspection and compliance program to help licensed abattoirs and knackereries reduce biosecurity risks.

[Read the implementation guide](#) which has been developed for industry to help ensure a robust and consistent, risk based system is in place to maintain biosecurity.

If required, the Food Authority will take compliance or regulatory action if requirements are breached or unfulfilled.

In terms of audit schedules, the Food Authority is responsible for conducting regular audits and inspections of all licensed businesses, such as dairy, and uses the national risk profiling tool, called the [Food Safety Risk Priority Classification Framework \(RPF\)](#) to determine the risks associated with food businesses.

The RPF comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

- Priority 1 (P1)
- Priority 2 (P2)
- Priority 3 (P3)
- Priority 4 (P4)

Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. For example, under the RPF, a catering business is classified as P1 (high food safety risk), whereas a pig farm is considered P3 (intermediate risk), and a whole grain farm is considered P4 (low risk).

If you're unsure about what to expect during an audit, [head here](#) for a checklist provided by the NSW Government.

Once your business has been audited, you'll be given a ranking A-E (A-B is acceptable, C is marginal and D-E is unacceptable). From here, the frequency of audits will be determined based on your priority classification (P1-P4) as well as your ranking (A-E). Here is an example of what an auditing schedule under the NSW system might look like:

Rating	Priority 1	Priority 2
A	12 months	24 months
B	6 months	12 months
C	3 months	6 months

For more information on audits, please check the [NSW Food Authority website](#).

Mobile Slaughter Unit

Licensing requirements for a mobile slaughter unit in New South Wales are the same requirements for an abattoir licence, as listed above.

The *Food Act 2003* (NSW) includes vehicles in its definition of "premises". Section 76 of the *Food Regulation 2015* defines "abattoir" to mean premises used for or in connection with the slaughtering of abattoir animals for human consumption

Because of this, a mobile slaughter unit falls under the umbrella definition of abattoir and therefore has the same licensing requirements and associated costs.

Meat slaughtered using a mobile slaughter unit can leave the property on which it is slaughtered and is able to be sold for human consumption.

Game Meat

In NSW, the licensing of a game meat harvester vehicle or a game meat processing facility is regulated by the NSW Food Authority. The requirements for this will be discussed below.

However, please note that there are other licences you **must** hold before applying with the NSW Food Authority. These include:

- [NSW Game Hunting Licence](#)
- [NSW Restricted \(Commercial\) Game Hunting Licence](#)

- A training course must be undertaken before applying for this licence - an expression of interest can be found [here](#)
- Current firearms licence

To obtain a NSW Food Authority approval for a **game meat field harvester vehicle**, you must fulfil the following requirements:

- Statement of Attainment 900-81367V01 – Game Harvester Skill Set;
- Develop a Food Safety Program - find a template [here](#)
 - Must outline the use of animal carcase identification tags
- Payment of the appropriate fee
- Evidence of completion of an approved food hygiene course
- for harvesting of kangaroos:
 - successfully complete the [AMPG306 Use Firearms to Harvest Wild Game](#) accreditation course for kangaroo harvesters provided by an authorised Registered Training Organisation
 - apply for an [NSW Professional Kangaroo Harvester Licence](#) from the NSW Kangaroo Management Program.

To obtain a NSW Food Authority approval for a **game meat field depot**, you must fulfil the following requirements:

- Evidence of implementation of a monitoring program for hygiene and handling
- **Field chiller labelling requirements** - all game meat carcasses must be labelled as required by:
 - NSW Food Authority
 - [NSW Environment and Heritage](#),
 - [Wild Game Meat Field Harvester Food Safety Program](#)
- Develop a Food Safety Program - find a template [here](#)
- Ensure premises, fixtures, fittings, equipment and transport vehicles are designed and constructed in a manner that means they can be easily cleaned and, where necessary, sanitised.

To obtain a NSW Food Authority approval for a **game meat processing plant**, you must fulfil the following requirements:

- Ensure game meat is not removed from the processing plant until the carcase or part of the carcase has been branded under authority of a meat safety inspector with a brand issued by the Food Authority
 - Required brands are set out in Division 4 of the Meat Food Safety Scheme and Schedule 7 of the Food Regulation 2010.
 - does not apply to meat from game birds, meat fit only for animal food and meat not fit for animal food.
- Develop a Food Safety Program - find a template [here](#)

- Ensure premises, fixtures, fittings, equipment and transport vehicles are designed and constructed in a manner that means they can be easily cleaned and, where necessary, sanitised.
- licensed meat processing plants that produce ready-to-eat (RTE) or uncooked comminuted fermented meat (UCFM) products must comply with the requirements set out in the [NSW Food Safety Schemes Manual](#).

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to. These include:

- [Food Act 2003 \(NSW\)](#)
- [Food Regulation 2015](#), including relevant parts of the Meat Food Safety Scheme
- [Food Standards Code](#), including -
 - Food Standards Code 1.3.1 - Food Additives
 - Food Standards Code 3.2.3 - Food Premises and Equipment
 - Food Standards Code 3.2.2 - Food Safety Practices and general requirements - Premises and Equipment
- [Food Safety Schemes Manual](#)
- [Australian Standard for Hygienic Production of Game Meat for Human Consumption AS4464 – 2007](#)

More information on licensing requirements can be found on the NSW Food Authority website [here](#).

Once you are confident that your facility complies, you must complete an application form for your relevant activity. Application forms for **game meat harvester vehicles** can be found [here](#) and **Game meat field depot / Game meat processing plants** [here](#).

Once the application and the relevant fee has been received, your facility will need to be inspected to ensure it complies with the relevant standards. This will be done by a NSW Food Authority.

Please see **Auditing** for more detailed information about inspection and audits.

Third Party Audits

Game meat processing plants will be routinely audited by the Food Authority for compliance with requirements.

Compliance or regulatory action will be taken if required.

There are fees for audits and inspections, payable by the licence holder.

For more information, see [audits of licensed businesses](#).

In terms of audit schedules, the Food Authority is responsible for conducting regular audits and inspections of all licensed businesses, such as dairy, and uses the national risk profiling tool, called the [Food Safety Risk Priority Classification Framework \(RPF\)](#) to determine the risks associated with food businesses.

The RPF comprises two decision trees; one each for primary production and food businesses. There are four (4) possible classification outcomes:

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Businesses in the P1 tier represent the highest food safety risk. Conversely, P4 businesses represent the lowest food safety risk. The risk status of P2 and P3 businesses are intermediate between these extremes. For example, under the RPF, a catering business is classified as P1 (high food safety risk), whereas a pig farm is considered P3 (intermediate risk), and a whole grain farm is considered P4 (low risk).

If you're unsure about what to expect during an audit, [head here](#) for a checklist provided by the NSW Government.

Once your business has been audited, you'll be given a ranking A-E (A-B is acceptable, C is marginal and D-E is unacceptable). From here, the frequency of audits will be determined based on your priority classification (P1-P4) as well as your ranking (A-E). Here is an example of what an auditing schedule under the NSW system might look like:

Rating	Priority 1	Priority 2
A	12 months	24 months
B	6 months	12 months
C	3 months	6 months

For more information on audits, please check the [NSW Food Authority website](#).

Storage and Transportation

A meat van is any vehicle used to transport abattoir meat including red meat, poultry, rabbit, ratite and game meat as well as others, and products derived from abattoir meat. To operate a meat van, you must obtain a licence from the NSW Food Authority.

Operators of meat vans need to:

- Apply for a Food Authority licence
- Complete a Food Safety Management Statement (FSMS) - which sets out the potential food safety risks and how they are controlled and verified.
 - This [document](#) has been approved as FSMS for meat vans - if your vehicle complies with all sections, it is deemed to meet the national standard
- Meet food safety and labelling standards, and
- Prepare for and be regularly audited.

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to. Meat van operators need to meet the requirements set out in:

- [Food Act 2003 \(NSW\)](#)
- [Food Regulation 2015](#), including relevant parts of the Meat Food Safety Scheme
- Food Standards Code including:
 - [Standard 3.2.2 - Food Safety Practices and General Requirements](#)
- [Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption \(AS 4696:2007\)](#).

Once you are confident that your vehicle meets the requirements, you must complete an application form for your relevant activity, which can be found [here](#).

PLEASE NOTE: The licensing requirements and process are the same for vehicles being used to transport dairy, plant products and eggs.

Volunteer Agreements

Many people are familiar with [WWOOF](#) (World-Wide opportunities on Organic Farms): ‘a worldwide movement linking volunteers with organic farmers and growers to promote cultural and educational experiences based on trust and non-monetary exchanges, helping to build a sustainable global community.’ Whether through the WWOOF platform or other ways of linking small-scale farmers with farm-curious individuals, volunteering on farms is quite common. There are some things farmers should consider when bringing volunteers on, whether for a few days or a few months.

First, can your farm function without volunteers? If the answer is no, you probably need staff, not volunteers. While AFSA champions reciprocity and forms of value well beyond the financial, if a farm is only viable because of the unpaid labour of people who do not hold title

to the land, there is a reasonable chance that the exchange may be exploitative. The Australian Government deems it an 'employment relationship' as opposed to a 'volunteer relationship' when workers are obliged to attend, rather than offering their voluntary services.

The Fair Work Act - Interns

In accordance with the Fair Work Act 2009 (*Cth*), interns must be paid if they are performing duties undertaken by an employee. An 'Employment Relationship' is determined by an obligation to attend work or perform routine duties, and by expectations of pay for labour. If the volunteer is not under an obligation to attend work or perform, then that is more likely a volunteer arrangement. If the volunteer expected to be paid, then that is potentially deemed an employment relationship.

If your farm is viable without volunteers, and you want to share what you grow and know with others, hosting volunteers can be a great way to grow more farmers and people knowledgeable about the food system. For those hosting a residential experience for volunteers, you should have suitable accommodation with a private bedroom, and shared or private facilities. Most farmers will provide food, whether in shared or separate meals according to each household's schedule and preferences. Shared meals are a great way to deepen relationships and remind everyone of what you are all working for up to three times a day. Volunteers may be expected to join domestic rosters for cooking and cleaning at communal meals.

Farmers and volunteers will generally create a relationship built around a desire and willingness of the volunteer to learn from the farmer, and the farmer's willingness to share their knowledge and skills. It can be useful to develop a volunteer agreement to ensure shared understanding of roles, responsibilities, and what volunteers can expect to learn in return for volunteering their time. The agreement should also detail any room and board provided (if any), and sundry details volunteers need, such as appropriate footwear and clothing for farm jobs, or which phone provider they should sign up with to ensure decent reception while on the farm. It is important to establish the voluntary nature of the role, and both the farmer's and the volunteer's right to end the agreement early should the need or desire arise.

Farmers are advised to complete a risk assessment prior to the volunteer attending the farm, identifying any key risks associated with the volunteer role. The farmer should notify the volunteer of any potential risks that may occur at the property and document this in the volunteer agreement. Policies and procedures should be adopted by the farmer to ensure all identified risks are minimised or eliminated prior to the volunteer physically attending the farm. If these risks are identified and recorded, the farm's public liability insurance *should* cover the volunteers in the event of an accident.

What should the agreement include?

Nature of the role – volunteers should understand that they are not an employee or contractor and will not receive remuneration for their work. Include details of what is included (accommodation, shared meals or food provided, any other amenities or services that will be provided by the farmer).

Role Description – identify what is expected of the volunteer. For example, expectations of behaviour, and typical activities and tasks.

Risks - identify key risks on the farm and ensure they are recorded in the agreement.

Insurance

Before the volunteer commences any work on the property, the farmer should ensure that the farmer and the volunteer have insurance that meets any potential risks that may occur during the course of the volunteer agreement. As discussed above, the insurance held by both parties must cover both the farmer and the volunteer if someone sustains an injury on the property. It may be beneficial to complete a formal risk assessment before the commencement of the volunteer relationship. This will illuminate what the farmer(s) are and are not covered for. Noting, if certain risks are not covered under the insurance policy this may open up the farmer to the possibility of a negligence claim.

In Australia, there are [two types of insurance](#) that farmers or employers should take out to ensure volunteers are protected:

1. **Public Liability Insurance** protects organisations up to a stated amount if a third party sues the organisation for personal injury (including death), or damage to property as a result of an occurrence in connection with the organisation.

2. **Volunteer Personal Accident Insurance** can be taken out similarly to Worker's Compensation for volunteers. It can provide cover for people who become sick or injured whilst providing volunteering services for an organisation. It may cover a portion of a person's salary if they cannot attend their usual paid work as a result of an injury while volunteering or more broadly provides financial compensation in the event that a volunteer unfortunately has an accident or becomes ill.

Further, it is advised that all volunteers have their own medical/ accident and/or travel insurance. Volunteers need to understand the areas their insurance policy covers and any excess requirements.

Land Sharing Agreements

What are land sharing agreements?

Land sharing agreements are a type of arrangement where a person who holds title to unceded Aboriginal Land makes a part or whole of it available to another party for the purposes of farming. These can be useful for landholders who are wishing to offer their property for farming, farmers wishing to bring others into their operations, or those wishing to support vertically stacked enterprises in addition to their own. Parties' relationships and obligations to the Land and each other should be clearly articulated, as should how or whether the risks and profits are to be shared, and resources they each bring to the arrangement should be outlined in the agreement itself.

Guidelines for a Land Sharing Agreement:

For an idea of what should be included in a land sharing agreement, check out AFSA's [free guide](#). Please note that the information in this guide is for general purposes only and should not be taken as legal advice. Contact the AFSA Legal Defence Fund at legal@afsa.org.au for tailored advice on land sharing agreements.

Requirements for a land sharing agreement:

States have differing requirements and regulations when it comes to land sharing agreements. Outlined below, aspects of land sharing agreements are summarised and listed by state in order to assist you with any related issues or questions.

Improvements to the shared land:

Blessed are those who plant trees knowing they shall never sit in the shade of their foliage.

Agroecology-oriented farmers often plant trees whose shade they will never enjoy as they plant for future generations of microbes, plants, animals and farming communities. In land sharing arrangements, it is very likely that the landholders and the land sharers will make improvements to the land, whether through perennial plantings or permanent infrastructure. Depending on a variety of factors including the intent, cost, length of tenure, consent, and which party made the improvement, different philosophies and rules apply to the question of whether financial compensation is payable to the party that improved the land. Ensuring decisions are made collectively and transparently is key to managing expectations about whether any financial reimbursement for improvements is appropriate for either party.

Below are state-based rules regulating land improvements.

	Improvements made by the landsharer	Improvements made by the landholder
VIC	In Victoria, there are no laws that regulate land sharing agreements beyond the law of contracts.	In Victoria, there are no laws that regulate land sharing agreements beyond the law of contracts.
NSW (governed by the <i>Agricultural Tenancies Act 1990</i>)	<p>With the consent of the landholder, any improvements to the land can be made by the landsharer. They are to be compensated the fixed amount if specified in the agreement unless it is an unfair price or if there is no specified amount, fair compensation is to be granted. The time limit to give this compensation is the end of the agreement period.</p> <p>Without the consent of the</p>	<p>With the consent of the landsharer, any improvements to the land can be made by the landholder.</p> <p>The landholder is to be compensated the fixed amount if specified in the agreement unless it is an unfair price or if there is no specified amount, fair compensation is to be granted.</p> <p>The compensation can be paid in instalments together</p>

	<p>landholder, landsharers may only make an improvement if the improvement is:</p> <ul style="list-style-type: none"> ● mentioned in Schedule 1; or ● a work or thing of a kind prescribed by the regulations; or ● first determined by the Tribunal to be suitable and desirable in the circumstances. <p><u>Schedule 1 improvements:</u></p> <ol style="list-style-type: none"> 1. Drainage. 2. Making or improvement of necessary roads or bridges. 3. Clearing and removal of stumps and logs. 4. Destruction or control of pests. 5. Destruction of prickly pear and control of weeds on land. 6. Making of permanent subdivision fences. 7. Laying down of pastures. 8. Application to land of fertilisers, liming materials, and trace element products. 9. Repairs to buildings other than repairs which the tenant is under an obligation to carry out repairs referred to in item 10 <ol style="list-style-type: none"> a. before beginning to carry out the repairs, the tenant gives notice to the owner of the tenant's 	<p>with the rent or in any other consideration payable in respect of the tenancy.</p> <p>Without the consent of the landsharer, landholders can only make improvements if it is determined by the tribunal to be suitable and desirable in the circumstances.</p> <p>If compensation is determined to be payable by the tribunal, the landsharer must pay fair compensation to the landholder.</p> <p>The compensation can be paid in instalments together with the rent or in any other consideration payable in respect of the tenancy.</p>
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	<p>intention, together with particulars of the repairs, and</p> <p>b. the owner fails to carry out the repairs within a reasonable time after receiving the notice.</p> <p>10. Repairs to or re-erection of buildings to meet the particular requirements of the <i>Food Act 2003</i> or any other Act.</p> <p>11. Repairs to and the cleaning of silt from wells, bores, dams, reservoirs and ground tanks.</p>	
QLD		
TAS		

	Legal requirements of land sharing agreements	Relevant Legislation
VIC	In Victoria, there are no laws that regulate land sharing agreements beyond the law of contracts.	
NSW	<p>In writing:</p> <ul style="list-style-type: none"> - Each party has the right to have a written and signed land sharing agreement. - For terminating the agreement, if it is for a fixed term there is no notice required to be given to the other party. If it does not have a fixed date but renews, 6 months is required for 	

	termination.	
QLD		
TAS		

Grounds For Review

Memorandum of Information: Grounds for Review

There are many cases in which government decisions go against farmers' interests, particularly for smallholders dealing with the burden of scale inappropriate policies, regulation and legislation. If you're a farmer who is faced with an unfair decision, you are entitled to dispute this under Grounds for Review.

In this section, we will explain how to proceed with Grounds for Review in each state, including the relevant authorities that will be responsible for handling disputes and final decisions, as well as case studies for common disputes raised by AFSA members.

Some disputes will fall under the remit of state or local government, depending on the issue, so be sure to refer to the state guides below for accurate guidance. In all cases, AFSA members have access to our Legal Defence Fund (LDF), which can help farmers undergo the process of grounds for review in each state and territory. The LDF is supported by a steering committee that consists of both farmers and legal professionals who come together to help small-scale producers overcome common legal challenges and setbacks.

New South Wales Grounds for Review

If you're pursuing Grounds for Review in Victoria, here are the key authorities that will be responsible for reviewing your appeal and handing down the final decision:

Relevant authority	Key issues that can be addressed
Department of Primary Industries	<ul style="list-style-type: none">● Fishing● Hunting● Animals● Livestock● Forestry● Biosecurity and Food Safety,● Climate● Emergency Relief
NSW Ombudsman	<ul style="list-style-type: none">● Complaints relating to NSW government departments and

	agencies, local councils in NSW and community service providers.
NSW Civil and Administrative Tribunal (NCAT)	<ul style="list-style-type: none"> ● Solving tendency and building work disputes ● Administrative review of government decisions
Land and Environment Court of NSW	<ul style="list-style-type: none"> ● Appeals against local councils and State Government, particularly development appeals.

NSW Government ‘Right to Farm’ policy

The NSW Government has developed a statewide approach to deal with issues of ‘right to farm’ which brings together a number of responses including:

Reinforcing rights and responsibilities

The NSW Government will work with agricultural industries in NSW to support their efforts in establishing and maintaining their best practice and minimise land conflicts.

1. The NSW will establish a baseline and ongoing monitoring and evaluation

The NSW government has pledged to work with local government and other stakeholders to illuminate and monitor nuisance complaints related to forming local government areas

2. Land Use Planning

The NSW Government has pledged to develop a suite of Regional Plans that identify regional priorities for growth, including for primary industries, as well as providing direction on managing land use conflicts. The NSW Government will work closely with Local Council areas to develop best practice land use to address land use conflict issues that commonly arise.

3. Current Reviews of Environmental Planning Instruments

The NSW Government regularly reviews planning mechanisms and instruments. NSW aims to deliver a planning policy framework that supports future and current farming practices.

Please see the [New South Wales Right to Farm Policy \(nsw.gov.au\)](https://www.nsw.gov.au/right-to-farm) here.

Case study: Running a poultry farm in a special water catchment area

John owns and operates a small-scale poultry farm in a special water catchment area in New South Wales (NSW), Australia. His farm is situated within a designated catchment zone that is critical for supplying drinking water to nearby communities. However, John has encountered challenges due to regulatory constraints and concerns regarding the potential environmental impact of his poultry farming activities within this sensitive watershed. Despite the fact that John runs a pastured poultry farm that is underpinned by holistic management practices that carefully considers the protection and restoration of water, he is beholden to the same standards as industrial poultry farms which do pose a real threat to water catchments.

Challenges Faced:

1. **Water Quality concerns:** Given the special status of the water catchment area, there are heightened concerns about potential contamination of the water supply due to runoff or leaching of pollutants from John's poultry farm. Any adverse impact on water quality could have serious public health implications for downstream communities.
2. **Environmental protection:** The water catchment area is ecologically sensitive, supporting diverse flora and fauna. There are concerns about the potential impact of John's poultry farming activities on local biodiversity, including habitat degradation, water pollution, and the introduction of invasive species.
3. **Regulatory compliance:** John must navigate a complex regulatory framework governing land use and environmental protection within the special water catchment area. Compliance with regulations related to water quality, land management, and pollution control is essential but may pose challenges for his small-scale operation.

Relevant Government authorities Involved:

1. **NSW Department of Planning, Industry and Environment (DPIE):** The DPIE is responsible for overseeing land use planning, environmental management, and water resources in NSW. They play a key role in regulating activities within special water catchment areas to protect water quality and environmental integrity.
2. **Local council:** The local council administers planning regulations and zoning ordinances within its jurisdiction. They may issue permits and approvals for agricultural activities in special water catchment areas, subject to compliance with relevant environmental regulations.
3. **NSW Environmental Protection Authority (EPA):** The EPA is responsible for regulating and monitoring environmental pollution and contamination in NSW. They may conduct inspections, investigate complaints, and enforce regulations to ensure compliance with water quality standards and pollution control measures.
4. **NSW Department of Primary Industries (DPI):** The DPI provides guidance and support to farmers on sustainable agricultural practices, animal welfare, and biosecurity. They may offer assistance to John in implementing best management

practices to minimise the environmental impact of his poultry farming operation.

5. **Australian Food Sovereignty Alliance:** AFSA is a farmer-led organisation representing small-scale producers across Australia. AFSA's Legal Defence Fund has a long track-record of working with farmers to overcome common legal challenges related to planning and regulation.

Grounds for Review: John may seek a review of regulatory decisions impacting his poultry farm on various grounds, including:

1. **Water Quality monitoring:** John can review the water quality monitoring data for the catchment area to assess the potential impact of his farming activities on water quality. He may propose additional monitoring measures or mitigation strategies to minimise the risk of contamination.
2. **Best management practices:** John can demonstrate his commitment to environmental stewardship by implementing best management practices for agroecological poultry farming, such as proper waste management, nutrient cycling, and erosion control measures.
3. **Environmental Impact Assessment:** John can conduct an environmental impact assessment to evaluate the potential environmental effects of his poultry farming operation on the water catchment area. This assessment can help identify potential risks and inform the development of mitigation measures to address any adverse impacts.
4. **Community engagement:** John can engage with local stakeholders, including neighbouring landowners, environmental groups, and government agencies, to address their concerns, solicit feedback, and explore opportunities for collaboration in protecting the integrity of the water catchment area.

Additional Resources

Mediation

The power of Mediation should not be overlooked as an alternative dispute resolution mechanism in the context of farming and agricultural disputes. Depending on the appointed mediator's costs, and any pre-agreed mediation terms and conditions as to who pays the costs, a Mediation can be a cost effective tool that can save time and money in the event of a dispute where the parties are attempting to avoid court or tribunal litigation and are unable to resolve the dispute themselves or via representatives . Mediation in simplest terms is assisted negotiation. A mediator is an impartial third party who, if suitably qualified and experienced, works with both parties and their representatives to help them reach an agreement to resolve a dispute. Mediation is built upon the premise of impartiality and confidentiality. It is common for a Court and Tribunals such as VCAT to use mechanisms akin to Mediation prior to the submission of formal legal proceedings. As a result, mediation may be an effective tool in creating a “without prejudice” forum for the parties in dispute to try to reach a settlement agreement.

Mediation can be undertaken by appointing an accredited mediator (often a retired judge, barrister, or other suitably qualified practitioner). The Australian Mediator and Dispute Resolution Accreditation Standards (**AMDRAS**) manages a register of nationally accredited mediators. AMDRAS mediators are accredited under the national system and meet the minimum practice and approval standards. It is recommended that the parties contact AMDRAS or their state/territory law society to mutually appoint a suitable mediator or qualified alternative dispute resolution practitioner.

Readers should note that particular industries are required to engage in prescribed alternative dispute resolution processes. For example, members of Grain Trade Australia and industry participants should use the specialised arbitration process.

It is highly recommended that in all cases before commencing a dispute, that parties obtain legal advice, to determine their options and rights.

Australia Food Sovereignty Alliance (AFSA)

AFSA is commonly tasked with advising farmers on how best to solve legal issues in dispute or the best avenues for this process to occur. As a result, if you are unsure on which organisational body may best meet your needs. Please do not hesitate to reach out to AFSA directly and we can point you in the right direction. Over the years, AFSA has provided assistance and guidance on a large array of farming and agricultural related issues spanning across a significant number of practice areas. However, if we believe your issue would be best suited to a legal practitioner we can assist you in finding legal representation.

