



**AUSTRALIAN FOOD
SOVEREIGNTY ALLIANCE**

Australian Food Sovereignty Alliance (AFSA)

Legal Guide for farmers (Queensland)

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 *Planning Scheme*

There are two overarching types of planning instruments in Queensland: 1) the [State Planning Policy](#)² (SPP) and 2) regional plans that provide guidance on land-use controls for farmers and other food producers.

If you're a Queensland farmer and would like to understand how your State's planning system works, there are a few key pieces of legislation that are relevant to you:

- [Planning Act 2016](#)
- [Planning Regulation 2017](#)
- [Sustainable Planning Act 2009](#)
- [Regional Planning Interests Act 2014](#)
- [Regional Planning Interests Regulation 2014](#)

You don't need to read each of the above legislations or regulations in full, however they can be used as further reading for this guide.

2 *Land Use Controls*

The zones and overlays that apply to a property can be checked by locating the land on the 'Zone Map' and 'Overlay Map' (schedule to the planning scheme which is accessible on the website of the relevant council (for example, maps for [Hinchinbrook Shire Council](#)).

(a) Zoning

The relevant planning scheme outlines how the zone in which a property is located affects the types of farming ('uses') that are accepted (with or without development approval) or prohibited. It does so by categorising development as either 'prohibited', 'assessable' or 'accepted development'.³ If the use is 'accepted development' it may be allowed without development approval. If 'prohibited development', it is not allowed. If 'accepted development subject to conditions', it is allowed without development approval so long as a self-assessment is done to ensure compliance with the code and rules of the relevant council.

²<https://planning.statedevelopment.qld.gov.au/planning-framework/plan-making/state-planning/state-planning-policy>

³ *Planning Act 2016* (Qld) s 44.

What does self-assessment mean under Queensland’s planning system?

If the work is accepted development (self assessable), the owner is responsible for ensuring the work complies with applicable standards, including structural sufficiency, size limits and boundary setbacks.

Minor building work may require approval under local government planning schemes. Owners are responsible for complying with relevant planning schemes.

So, that means that if you’re a farmer in Queensland, or looking to establish an agricultural business, you’ll need to refer to your local council planning scheme for further guidance on what is considered accepted development (self-assessed) and what you might require a permit for.

If ‘assessable development’, it may be allowed if development approval is obtained. There are two categories of assessment: code assessment and impact assessment.

Categories of assessment⁴

Code assessment helps deliver expected development without delay. Under Queensland law, public consultation is not required. **Code assessable applications** are assessed against the relevant assessment benchmarks set out in the relevant local government’s planning scheme. Where the development application meets the criteria, it will be approved. If it does not meet some criteria, that part of the development application can be refused or approved with conditions.

Impact assessment generally applies to development proposals that may impact on the amenity of adjoining land uses. This type of assessment is broader than code assessment and requires a development application to be publicly notified. Impact assessable development applications are assessed against:

- the relevant assessment benchmarks set out in the relevant local government’s planning scheme
- any matters outlined in the Planning Regulation 2017
- and may be assessed against any other relevant matter, such as planning need.

Impact assessable applications also require the applicant to carry out public notification of the proposed development to ask for feedback from the local community about the impact

⁴https://planning.statedevelopment.qld.gov.au/__data/assets/pdf_file/0034/55699/categories-of-assessment.pdf

(good and bad) of the proposed development. Feedback provided by a particular individual or entity is often referred to as a submission.

As with code assessment, the assessment manager (local or state) must also publish the reason for their decision.

Generally cropping and animal husbandry (but not extensive grazing) land uses are exempt activities in a Rural Zone in local planning schemes and are usually (but not always) self-assessable in a Rural Zone. However, councils do regulate these uses (e.g. via creating setbacks).

In other zones (such as Rural Residential, Residential or Commercial Zones), these types of activities usually require approval. Some planning schemes require planning approval for intensive farming in sensitive areas, for forestry for wood production and for farm diversification activities. You should check local government requirements in your area for further information about development applications. There will be different requirements for the land uses – animal husbandry and intensive animal husbandry, cropping, intensive horticulture – but they are dependent on stocking densities, etc. Look at the particular Animal Husbandry Code (e.g. for [meat chicken farms](#)) or similar for “acceptable” solutions which are self-assessable or code assessable. Check the [State Planning Policy - state interest guideline - Agriculture](#). Also you should check out the [Sustainable Planning Regulation](#) and the [EP Regulation](#) to see how assessable development is prescribed for different types of farming activities. E.g. poultry farming is an “environmentally relevant activity” under that Regulation if more than 1000 birds. That means farmers must also have an Environmental Authority approval.

For example, the categories of development for Hinchinbrook Shire Council are set out in Table 5.5.1 ‘Levels of Assessment and Assessment Criteria — All Development’.⁵ In a rural zone, ‘animal husbandry’ is an accepted development subject to conditions and ‘intensive animal husbandry’ is a code assessable development.⁶

⁵ *Hinchinbrook Shire Planning Scheme 2017* (Qld) p. 33.

⁶ *Hinchinbrook Shire Planning Scheme 2017* (Qld) p. 37, 39.

Each use is defined in the ‘Use Definitions’ table (schedule to the planning scheme). For example, ‘animal husbandry’ means using the premises to produce ‘animals or animal products or native or improved pastures or vegetation’ or an ancillary ‘yard, stable temporary holding facility or machinery repair and servicing’.⁷

(b) Overlays

Overlays are development controls prepared under the *Sustainable Planning Act 2009* (Qld). They are called Overlay Codes or Maps. They impose controls over any development subject to the relevant Overlay. They also show the particular characteristics of a property, for example features which are sensitive or worth protection, as well as important planning constraints such as susceptibility to flooding. Overlays can cover many lots of land. These act like a “filter” when councils in Queensland consider planning applications.

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
- 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](#).

Before bringing pigs onto your property, contact all of the following organisations:

- Local council - ascertain if any approvals are required to keep pigs under the planning laws administered by the council.
- The Department of Agriculture and Fisheries intensive livestock environmental officers administer the approvals that are required under the *Environmental*

⁷ *Hinchinbrook Shire Planning Scheme 2017* (Qld) p. 128.

Protection Act 1994. The environmentally relevant activity of pig keeping relates to keeping 400 or more standard pig units, in which case you will need to obtain a development permit and environmental authority.

- Your local DAF office - any person who runs one or more pigs is required to register their property with Biosecurity Queensland and obtain a Property Identification Code (PIC) and, if they have more than two pigs, must apply for a registered tattoo brand. You can do that [here](#).

Health and welfare legislation and guidelines must be followed if you have pigs on your property. Please find detailed information on the Business Queensland [website](#).

Cattle, sheep and goats

Cattle producers and keepers must ensure that:

- Devices which have full or conditional NLIS accreditation status are accredited devices for cattle, bison, buffalo, sheep and goats and must be fitted to animals before the animal is moved off a property.
- Once fitted, a tag must remain on the animal for life.

Anyone in Queensland who keeps more than one head of cattle is a [registrable biosecurity entity](#) and must be registered with Biosecurity Queensland to be [allocated a PIC](#). You can do that [here](#).

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

Poultry

In Queensland, poultry farming is an [environmentally relevant activity \(ERA\)](#) under the [Environmental Protection Regulation 2019](#). However, if you plan on having less than 1000 chickens in your flock you will not need to be issued with an environmental authority.

If your farm has over 100 birds, you must register with Biosecurity Queensland. You can do that [here](#).

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

Bees

If you are a new beekeeper and have more than 1 hive, you must [register as a biosecurity entity with Biosecurity Queensland](#). Once you're registered as a biosecurity entity, you'll receive a unique HIN to brand your hives. Each beekeeper who registers as a biosecurity entity will receive only 1 HIN. The HIN is not transferrable to other beekeepers.

Any person who keeps bees or carries on a business as a beekeeper must be registered with the Department of Agriculture and Fisheries.

The *Biosecurity Act 2014* requires a beekeeper to place a HIN on 1 hive out of every 50, but it is recommended that you brand all your hives as proof of ownership and to help with recovery in the event of loss or theft. This is particularly important if your hives have old brands.

You must ensure that hive markings stay legible in accordance with the FSANZ and Queensland Health requirements. You must mark or brand the HIN:

- on the front of the hive
- in block letters, at least 25mm high.

You must also ensure that if you become aware of any disease present in your hives, you notify the local council within 14 days.

Beekeepers are also required to make sure their extraction and storage facilities meet standards compliant with the *Food Act 2006* (Qld) and the *Food Production (Safety) Act 2000* (Qld). These regulations are rather strict, especially in relation to handling, packaging and storing honey.

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

Similar to other States, in Queensland water can be used for domestic and stock purposes by land owners without a form of licence as given by Section 96 of the [Water Act 2000](#). This specifically enables the taking of water from dams, watercourses, lakes, or springs. Domestic purposes is defined as water used for household purposes, watering of animals kept as pets, and watering a garden, whereas stock purposes

In Queensland a water licence is required for a large variety of conduct involving taking and storing water. A water licence is not a water allocation (for example, you might have purchased the land with water allocations but this may not necessarily entitle you to a licence). A water allocation entitles someone to a share of a water resource that is not attached to the land and can be traded. Even if you do not own land you can still own a water allocation.

The [Water Act 2000](#) requires that a water licence be issued before a person can take or interfere with surface water (water in a watercourse, lake or spring for varying purposes) as listed below:

- stock or domestic use on lands that do not adjoin a watercourse, lake or spring;
- irrigation;
- industrial or commercial use;
- storing water behind a weir;
- impounding water behind a storage structure; and
- storing water in excavations that are within or connected to a watercourse.

Included in the types of watercourses are aquifers under the land and any water flowing across the land.

Along with surface water, a water licence is sometimes needed for overland flow water and generally required for underground water.

Overland flow water:

Overland flow water is the water that runs across the land after rainfall, either before it enters a watercourse, after it leaves a watercourse as floodwater, or after it rises to the surface naturally from underground. However, this does not include water that has naturally infiltrated the soil in normal farming practices, irrigation tailwater, and water collected from roofs for rainwater tanks.

Overland flow water can be taken and used for any purpose according to section 101(1(b)) of the *Water Act 2000*, however, if there is a moratorium notice or a water resource plan that restricts the amount that can be taken a water licence is required. A moratorium is best thought of as a freezing period to ensure that no new water work developments occur to enable better planning through reducing uncertainty. Whether a moratorium is in place for a particular area can be found through this [link](#). Water resource plans for an area may require a landholder to obtain a licence to take overland flow water and also a development permit for the works (including infrastructure) to take the water, such as diversion banks. Levee banks that capture overland flow for irrigation purposes generally require approval.

Underground water:

Schedule 17 of the [Water Regulation 2016](#) establishes ground water areas which require a licence as outlined in Section 1046(1) of the [Water Act 2000](#).

Landholders should consider whether they need a water licence before taking or interfering with artesian water (bore or “tapped” water) and sub-artesian water (pumped water). There are some exceptions where non-intensively stocked land or domestic purposes do not require a licence.

Applying for a water licence:

Owners of land or “prescribed entities” (such as councils or water authorities) can apply for a water licence in Queensland. An owner includes a registered owner and also a lessee, licensee, trustee or sublessee of land (s104, *Water Act 2000* (Qld)). Essentially if you have a valid legal right to occupy the land, you can generally apply.

The application form for a water licence can be found [here](#).

Under the *Water Act 2000* an application to obtain a licence requires that it be made to the QLD Department of Regional Development, Manufacturing and Water in the approved form and accompanied by the fee prescribed by regulation. This fee is usually updated annually each financial year. The department might ask you for additional information or even inspect your property as part of the process ([S 111 Water Act 2000](#)).

Water licence applications need to meet the assessable criteria. There are different criteria for different catchments, for example, the Murray-Darling Basin Plan's sustainable limits will apply to applications relating to that Basin. The Department also takes into consideration the public interest in any taking of water. The application is quite involved and for that reason applicants should seek independent advice. Applications generally require many attachments such as maps of all water infrastructure (this can involve property searches such as through Queensland Globe), relevant works invoices, photographs, flow reports, and bore drilling records).

If the application is properly made and the Department is satisfied, a public notice of the water licence application must be made. This typically requires the applicant to publish on the department's website. This allows others the opportunity to make a submission on your notice and state any grounds they have to object to your notice in the public interest. You can contact the Department to get a copy of any submissions made.

The [Water Act 2000](#) requires that public notices include:

- the location of the proposed taking of or interfering with water;
- where, including on the department's website or on the Queensland Government business and industry portal, copies of the application may be inspected;
- that written submissions may be made by any entity about the application;
- a day by which submissions must be made, and the person to whom, and the place where the submissions must be made.

Following the information being published, within 10 business days the applicant must send the Department evidence of the publication. The application will lapse if this step is not fulfilled.

If a licence is granted, the Department must give a copy of the licence within 30 business days of its decision.

Conditions attachable to a water licence:

The Department has the power to attach conditions to the water licence pursuant to section 118 of the *Water Act 2000*. Common conditions include:

- require the installation of a measuring device to measure the volume of water taken, the rate at which it is taken and the time it is taken;
- provide and maintain access to alternative water supplies for other persons, authorised under the Water Act 2000 to take water, who would be affected by the granting of the licence;
- carry out and report on a stated monitoring program; and
- give relevant information reasonably required by the chief executive for the administration or enforcement of the Water Act 2000.

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 Queensland, all meat production activities are regulated by Safe Food Queensland, under the [Food Production \(Safety\) Act 2000](#) (Qld) and the [Food Production Safety Regulation 2014](#). Safe Food Queensland regulates the meat processing industry with the Department of Agriculture and Fisheries, Queensland Health and Meat & Livestock Australia.

An accreditation is required for the following activities:

- Meat processing
- Abattoir (more information can be found here (LINK))
- Retail butcher shop
- Rendering
- Wild animal harvester (more information can be found here (LINK))
- Field depot (temperature controlled storage)

- Wild game processing
- Poultry production (rearing)
- Poultry processing

All of the above activities are administered under the Food Safety Scheme for Meat.

Accreditation is not required for slaughter and processing of livestock for private consumption not intended for sale.

To obtain a Safe Food accreditation, 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 [FIND A TEMPLATE](#)
- Obtain written approval from your local council (CHECK THIS)
- Submit a floor plan and photos of your processing facility that detail:
 - Cool rooms/fridges (floor plan and photos)
 - Hand-washing facilities (floor plan and photos)
 - Drains (floor plan only)
 - All equipment used (photos only)
- Submit a [licence application](#).
- Pay the application fee.
- Be audited by Safe Food Queensland

Before applying for an accreditation, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the Safe Food Queensland website. All meat processing facilities must comply with [AS 4696 – Australian Standard for the 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 Safe Food Queensland. Please note that an inspector can enter your premises without any notice to you, and they (if authorised) have the right to inspect and take samples of meat for testing. They can also seize your products but only if they have reasonable grounds to believe it is necessary to prevent the meat from being dealt or to test it pursuant to the *Food Production Safety Regulation 2002* (Qld).

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

The current accreditation costs are listed on the [Safe Food Queensland website](#).

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food's head office. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is **\$340.63 per hour** (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

For more information on auditing in Queensland, please visit the [Safe Food Queensland website](#).

Eggs

Egg production in Queensland is regulated by Safe Food Queensland. If you produce eggs in Queensland (including storing, cleaning, candling, grading or packing eggs), with the intent to sell or supply them for human consumption, then you require an accreditation with Safe Food.

To get a Safe Food accreditation, 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](#).
- Obtain written approval from your local council.
- Register as a biosecurity entity with [Biosecurity Queensland](#) and provide a [biosecurity map](#)
- Submit a licence application
- Pay the application fee
- Be audited by Safe Food QLD

For egg production and processing, your facility must adhere to the following standards and guidelines.

- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Food Standards Code \(Primary Production and Processing Standard for Eggs and Egg Products\) Standard 4.2.5](#)
- [Food Standards Code \(Food Premises and Equipment\) Standard 3.2.3](#).

- [Safe Food Guideline for Egg Cleaning Procedures](#)
- [National Farm Biosecurity Manual – Poultry Production](#)
- [National Water Biosecurity – Poultry Production](#)
- [Salmonella Enteritidis Prevention Plan – Standard Operating Procedures for Egg Farms](#)
- [Safe Food Notifications Protocol](#)

Once your initial accreditation application has been reviewed, you will need to address your biosecurity requirements as an egg farm. These requirements are in response to Queensland's *Salmonella* Enteritidis Prevention Plan to ensure that all egg and poultry producers and processors are following a set of standard operating procedures to reduce the risk of *Salmonella* Enteritidis from entering Queensland. You will be asked to complete the following tasks online via the Safe Food Hub:

- Business profile
- Food Safety Management Checklist

Please note: under Queensland's *Salmonella* Enteritidis Prevention Plan, you will be required to undertake a yearly swab test of discarded egg pulp through a registered laboratory.

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 'Producing - egg scheme' 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 Safe Food Queensland.

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

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food's head office. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is **\$340.63 per hour** (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

For more information on auditing in Queensland, please visit the [Safe Food Queensland website](#).

Dairy Production & Processing

Production (Farming)

If you want to produce milk from a bovine animal (or camel, goat, sheep or buffalo) on a farm in Queensland, with the intent to sell or supply that milk for human or animal consumption, then you require an accreditation with Safe Food. This activity is classified as **Producing** under the Dairy Scheme of the *Food Production (Safety) Regulation 2014*. The dairy industry is also regulated by *Safe Food Queensland under the Food Production (Safety) Act 2000* (Qld).

Accreditation is required before producing, storing, transporting, handling or processing milk or dairy products.

To get a Safe Food accreditation, 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
- Obtain written approval from your local council
- Submit a floor plan and photos of your processing facility that detail:
 - milking room, including milk vats/silos
 - milking pit
 - yards and grain / ration storage areas
 - CIP cleaning station and chemicals
 - hand washing facilities, including chemicals
 - equipment
 - storage areas
 - rodent bait stations (site plan only)
- Submit your milk supply agreement, if you are supplying milk to a single processor - by providing this, Safe Food will be able to audit your records via the processor that you supply to, removing the need to conduct an on-site audit at your business.
- Submit a licence application.
- Pay the application fee.
- Be audited by Safe Food Queensland.

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

- [Food Production \(Safety\) Regulation 2014](#)

- [Food Production \(Safety\) Act 2000](#)
- [Food Standards Code \(Primary Production and Processing Standard for Dairy Products\) Standard 4.2.4](#)
- [Food Standards Code, Standard 3.2.3 \(Food Premises and Equipment\)](#)
- [Safe Food Notifications Protocol](#)

The Australian and New Zealand Dairy Authorities Committee (**ANZDAC**) also provides [industry guidelines](#) to help producers prepare food safety plans.

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 “Producing - dairy scheme”.

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 Safe Food QLD.

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

PLEASE NOTE: If you plan to produce **and** process dairy on your property, you will need to apply for an accreditation as a Processor. Under this accreditation, Production of milk will be covered - this means you will not require two separate accreditations.

Third Party Auditing

Processing (Manufacturing)

If you want to process dairy products in Queensland with the intent to sell or supply for human or animal consumption, then you require an accreditation with Safe Food. ‘Processing’ includes activities such as:

- pasteurising and bottling milk or flavoured milk
- producing cream, butter, cheese, yoghurt, ice-cream, whey or dairy powders (e.g. skim milk powder, whey powder and milk protein powder)

These activities are classified as **Processing** under the Dairy Scheme of the [Food Production \(Safety\) Regulation 2014](#).

To get a Safe Food accreditation, 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 [FIND A TEMPLATE](#)
- Obtain written approval from your local council (CHECK THIS)
- Submit a floor plan and photos of your processing facility that detail:
 - hand washing facilities and signage, including chemicals (site plan & photos)
 - processing equipment (e.g. pasteuriser, blending equipment, packing equipment etc.) (site plan & photos)
 - storage areas (e.g. raw material, packaging, finished product) (site plan & photos)
 - rodent bait stations (site plan only)
 - staff amenities (site plan only)
- Submit a licence application.
- Pay the application fee.
- Be audited by Safe Food QLD

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

- [Food Standards Code \(Primary Production and Processing Standard for Dairy Products\) Standard 4.2.4](#)
- [Food Standards Code \(Food Premises and Equipment\) Standard 3.2.3.](#)
- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Safe Food Notifications Protocol](#)
- [FSANZ Compendium of Micro Criteria in Food](#)
- [FSANZ Schedule 27 Microbiological Limits in Food](#)
- [ADASC Minimum Sampling Guidelines for Dairy Products](#)

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 “Processing - dairy scheme” as your activity.

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 Safe Food QLD.

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

PLEASE NOTE: As a dairy processor, you will be undertaking activities deemed to be high risk under the *Food Production (Safety) Regulation 2014*. As such, if your application is approved, you will be issued a temporary accreditation to start with. A temporary accreditation is issued for a period of up to **two months**, prior to being considered for an open accreditation. Under a temporary accreditation, must have your food production system approved by Safe Food **before** you can begin supplying dairy products.

If issued a temporary accreditation, you will be required to submit additional technical information to demonstrate that your nominated food safety controls are effective in maintaining compliance with the requirements of the Dairy Scheme. This required information is in addition to the application process and will incur additional costs. You will be notified in writing if you are issued a temporary accreditation and what you need to supply.

Raw Milk/Cheese

In Queensland, all milk sold (except goats' milk) must be pasteurised. The sale of raw milk for human consumption is illegal.

Unpasteurised goats' milk is permitted subject to compliance with the dairy scheme which includes strict requirements for testing, appropriate recall procedures, and labelling. The statement '*Caution— This milk is an unpasteurised product and may contain organisms that could be injurious to health*' is required to be included on the product. The pasteurisation of milk and manufacturing of other dairy produce is administered by Safe Food Production Queensland under the *Food Production (Safety) Act 2000*.

Raw milk cheeses for human consumption must be approved by Food Standards Australia New Zealand (FSANZ). The maturation of the cheese must meet certain time, temperature and water content requirements, a process which has a similar outcome to pasteurisation in that it reduces pathogens.

FSANZ conducted a risk assessment for a small number of raw milk cheese types/varieties including Extra Hard, Swiss-type, Cheddar, Blue, Feta and Camembert. The Extra Hard and selected Swiss-style cheese were determined to present a low to negligible risk to public health and safety due to high curd cooking temperature. Other types of cheese (Cheddar, Feta and Camembert) were considered a high risk due to growth and/or survival of pathogens during cheese making.

Food Sales

Farmgate/On-site

You do not need a food business licence if you are selling fruit and vegetables, meat and dairy produced with a Safe Food accreditation. An accreditation is required in order to legally sell or supply your products in Queensland.

Off-site/Farmers Markets

You do not need a food business licence if you are selling fruit and vegetables, meat and dairy produced with a Safe Food accreditation.

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 Queensland, you do not need a Safe Food accreditation if you are slaughtering your own animals on your property for private consumption at home.

Please note that you do require a gun licence (if this is what you are using). Find gun licensing 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 to obtain accreditation from Safe Food.

To get a Safe Food accreditation, 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 [FIND A TEMPLATE](#)
- Obtain written approval from your local council
- Submit a floor plan and photos of your processing facility that detail:
 - Cool rooms/fridges (floor plan and photos)
 - Hand-washing facilities (floor plan and photos)
 - Drains (floor plan only)
 - All equipment used (photos only)
- Provide evidence that you or an employee is qualified in carcase inspection and will be present during slaughter - at a minimum, Cert 3 in Meat Safety
- Provide evidence of NLS and PIC number - see **Animal Requirements LINK** for more information
- Provide evidence that you or an employee has undertaken animal welfare training
- Submit a licence application.
- Pay the application fee.
- Be audited by Safe Food QLD

If you are processing red meat, including chilling, curing, drying, freezing, deboning, packaging or smoking meat for supply or sale, your facility must comply with:

- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Standard 4.2.3 – Primary Production and Processing Standard for Meat and Meat Products](#)
- [AS 4696 – Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption](#)
- [Food Standards Code. Standard 3.2.3 \(Food Premises and Equipment\)](#)
- [Safe Food Notifications Protocol](#)
- [Listeria Management Guideline \(Australian Meat Regulators Group\)](#)
- [Responsibilities When Producing and Handling Ready-to-Eat Meats \(RTE\) in Queensland](#)

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 Safe Food QLD.

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

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food's head office, and will be charged in 15-minute increments. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is \$340.63 per hour (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

Mobile Slaughter Unit

Queensland does not currently have any legislation that explicitly handles the accreditation of mobile slaughter units.

However, a spokesperson for Safe Food Production Queensland said mobile abattoirs would be assessed for accreditation primarily under the requirements of the Australian Standard for the Hygienic Production and Transportation of Meat (AS4696) and the Australia New Zealand Food Standards Code.

Game Meat

Wild animal harvesting, storage and processing requires accreditation with Safe Food under the Meat Scheme of the [Food Production \(Safety\) Regulation 2014](#). This includes:

- If you kill wild animals for food, such as macropods (e.g. kangaroos) or wild boar, and supply to a wild game meat processor,
- If you are a fixed premise that receives and refrigerates wild game carcasses (but do not process them)
- If you are processing meat, including chilling, curing, drying, freezing, deboning, packaging or smoking meat for supply or sale

To apply for a **wild animal harvesting** accreditation, please include with your application:

- Copy of Certificate of Attainment for Wild Animal Field Harvesting (SFPQ compliant) - obtained through TAFE Queensland South West Region (TQSW).
- Please include **photos** of your vehicle that show:
 - floor of the processing area
 - pelvic bars
 - water tank and tap
 - knife sanitising container and hand wash soap dispensing unit (chemicals included)
 - vehicle registration plates attached to the vehicle
 - any other items maintained and/or stored in the processing area (e.g. knife storage, spare tires, winch toolbox, etc.)
 - *Note: If you wish to accredit multiple vehicles, you will need to submit separate photos for each vehicle.*

- Statement in writing (wild boar harvesters only)
- Application form and correct fee
- A management statement - documenting how your business intends to operate and what activities you intend to undertake
- If you are harvesting wild macropods, you must obtain a **Commercial Wildlife Harvesting licence** from the Department of Environment and Science (DES) - a copy of this does **not** need to be submitted to Safe Food.

To apply for a **wild animal field depot** accreditation, please include with your application:

- A management statement - documenting how your business intends to operate and what activities you intend to undertake
- Application form and correct fee
- Photos of your facility that include:
 - floors and walls
 - hand washing facilities (chemicals included)
 - hand wash drainage
 - lighting
 - doors and seals
 - refrigeration unit
 - temperature gauges
 - vehicle registration (mobile field depots only)
 - verifiable tamper-proof tags (mobile field depots only)
- If you are a fixed field depot, you must obtain a commercial wildlife licence (macropods) from the [Department of Environment and Science](#) (DES) - please submit a copy of this in your application for accreditation.
 - If you are a mobile field depot, please check with DES for what licences you require. You are **not** required to submit a copy of these to Safe Food.
- Evidence of vehicle monitoring system (mobile field depots only) - mobile field depots must be fitted with suitable equipment to automatically report time, temperature and location of the depot when in use - find more information [here](#).
 - Please submit evidence that your vehicle's monitoring system meets these requirements. This may be in the form of a photo of your electronic tracking device, a copy of the owner's manual, an email from the manufacturer confirming its capabilities, or something else.

To apply for a **wild game field processing facility** accreditation, please see Meat Production and Processing - Queensland for the accreditation process [LINK](#) . Please note that you you

must submit evidence that you or an employee have the relevant qualifications/training in wild game carcass inspections.

- The requirements are an MTM 30311 Certificate III in Meat Processing and disposition, including AMPG304 Receive and Inspect Wild Game Carcasses at a processing plant, and AMPA3127 Perform Post-Mortem Inspections of Wild Game, or a relevant qualification or training equivalent.

Before applying for an accreditation, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the Safe Food QLD website. These include:

- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Primary Production and Processing Standard for Meat and Meat Products](#)
- [National Code of Practice for the Humane Shooting of Kangaroos and Wallabies for Commercial Purposes](#)
- [Safe Food Notification Protocol](#)

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 “Wild animal harvesting - meat scheme”.

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 Safe Food QLD.

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

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food’s head office, and will be charged in 15-minute increments. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is \$340.63 per hour (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

Storage and Transportation

Transport

If you are transporting meat at *any stage*, from the place where the animal was killed to a place of retail, then you require an accreditation with Safe Food. You will also require an accreditation if you are transporting meat to a premise where meat is processed into smallgoods, pet meat or rendered product. These activities are classified as **Transporting** under the Meat scheme of the *Food Production (Safety) Regulation 2014*.

To get an accreditation as a transporter with Safe Food, please include the following with your application:

- Your application form and correct fee
- A management statement that details how your business intends to operate and what activities you intend to undertake - please find a template [here](#)
- Please submit photos of your vehicle that show:
 - floors and walls inside the carrying unit
 - doors/seal
 - the active refrigeration unit
 - temperature gauge/data loggers
 - vehicle registration
 - *Note: If you wish to accredit multiple vehicles, you will need to submit separate photos for each vehicle.*

Before applying for an accreditation, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the Safe Food QLD website. These include:

- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Primary Production and Processing Standard for Meat and Meat Products](#)
- [Safe Food Notifications Protocol](#)

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 “Transporting” as your activity.

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 Safe Food QLD.

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

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food's head office, and will be charged in 15-minute increments. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is \$340.63 per hour (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

Cold Storage

If you are storing meat under refrigeration to extend its shelf-life, and are not involved in any form of processing (including repackaging or relabelling of product), then you require an accreditation with Safe Food. This activity is classified as **temperature controlled storage** under the Meat Scheme of the *Food Production (Safety) Regulation 2014*.

To get an accreditation for cold storage with Safe Food, please include the following with your application:

- Your application form and correct fee
- A management statement that details how your business intends to operate and what activities you intend to undertake - please find a template [here](#)
- Obtain written approval from your local council (CHECK THIS)
- Please include a site plan and photos that show:
 - floors and walls (photos)
 - doors & seals (photos)
 - storage areas (e.g. racking) (photos)
 - active refrigeration unit(s) (floor plan and photos)
 - temperature gauges (photos)
 - hand washing facilities (including chemicals) (floor plan and photos)
 - entry points/doors (floor plan)
 - water points (floor plan)
 - location of lighting (floor plan)
 - rodent bait locations (floor plan)
 - *Note: If you wish to accredit multiple cold store units, you will need to submit separate photos and floor plans for each.*

Before applying for an accreditation, it is important to ensure that you understand the standards and guidelines your facility must adhere to, which can be found on the Safe Food QLD website. These include:

- [Food Production \(Safety\) Regulation 2014](#)
- [Food Production \(Safety\) Act 2000](#)
- [Standard 4.2.3 – Primary Production and Processing Standard for Meat and Meat Products](#)
- [AS 4696 – Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption](#)
- [Safe Food Notifications Protocol](#)

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 “temperature controlled storage (meat scheme, cold store)” as your activity.

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 Safe Food QLD.

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

Third Party Audits

As part of your application for accreditation, a compliance audit will also be conducted against the food safety program or management statement you submit with your application. This audit will be done in the form of a site visit, or desktop audit from Safe Food’s head office, and will be charged in 15-minute increments. Safe Food will advise what type of compliance audit your business will require.

The 2024 fee for service rate (audit fee) is \$340.63 per hour (plus GST).

A compliance audit or assessment is required during each accreditation period (calendar year). If you choose to renew your accreditation for the following year, your compliance audit or assessment will be done on site.

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</i>	With the consent of the landholder, any	With the consent of the landsharer, any

<p><i>Tenancies Act 1990</i>)</p>	<p>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 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 	<p>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 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>element products.</p> <p>9. Repairs to buildings other than repairs which the tenant is under an obligation to carry out repairs referred to in item 10</p> <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 intention, together with particulars of the repairs, and b. the owner fails to carry out the repairs within a reasonable time after receiving the notice. <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
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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.

Queensland Grounds for Review

If you're pursuing Grounds for Review in Queensland, 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
Queensland Ombudsman	<ul style="list-style-type: none">• Complaints relating to Queensland state government departments or agencies, including local councils
Queensland Civil and Administrative Tribunal (QCAT)	<ul style="list-style-type: none">• Administrative decisions• Anti-discrimination• Building disputes• Consumer disputes• Debt disputes• Minor civil disputes• Occupational regulation• Other civil disputes• Residential tenancy disputes• Retail shop leases

	<ul style="list-style-type: none"> • Tree disputes
Local councils	<ul style="list-style-type: none"> • Solving tendency and building work disputes • Administrative review of government decisions

Case study: Dealing with unfair restrictions due to a salmonella outbreak

Jane is a small-scale farmer based in regional Queensland. She operates a family-owned pastured poultry farm specialising in free-range eggs. Recently, a salmonella outbreak was traced back to eggs sold by her farm, leading to significant health concerns among consumers and prompting regulatory actions by government authorities.

Issue:

Following the salmonella outbreak, the Queensland Department of Agriculture and Fisheries (QDAF) imposed stringent restrictions on Jane's farm. These restrictions include a temporary closure of the farm, suspension of egg sales, and mandatory disinfection and biosecurity measures. Jane believes that the restrictions are overly harsh and wishes to appeal them.

Grounds for Review:

1. **Scale-appropriate regulation:** Jane argues that the imposed restrictions are disproportionate to the scale of the outbreak and the specific circumstances of her farm. Her farm is small-scale and primarily supplies local markets, unlike larger commercial operations. She asserts that a targeted approach focusing on affected batches of eggs and enhanced biosecurity measures would be more appropriate than a blanket closure.
2. **Mitigating factors:** Jane contends that her farm has a history of compliance with biosecurity standards and has never had a food safety incident prior to this outbreak. She highlights the immediate steps taken to cooperate with health authorities, recall affected products, and implement enhanced hygiene measures. She believes these factors should be considered in mitigating the severity of the imposed restrictions.
3. **Economic impact:** The closure and suspension of sales have significant economic implications for Jane's farm, which relies heavily on seasonal revenue from egg sales. She argues that the imposed restrictions jeopardise the livelihood of her family and employees and could lead to long-term financial hardship.

Government authorities involved:

1. **Queensland Department of Agriculture and Fisheries (QDAF):** Responsible for overseeing agriculture, fisheries, and biosecurity in Queensland. QDAF issued the initial restrictions on Jane's farm following the salmonella outbreak.
2. **Queensland Health (QH):** Responsible for public health and disease control in Queensland. QH conducted investigations into the salmonella outbreak and collaborated with QDAF on regulatory actions.
3. **Biosecurity Queensland:** A division of QDAF that focuses on preventing, responding to, and managing biosecurity risks to agriculture, fisheries, and the environment. Involved in assessing biosecurity measures implemented by Jane's farm.
4. **Queensland Civil and Administrative Tribunal (QCAT):** If Jane decides to appeal the imposed restrictions, she may apply to QCAT, which handles various administrative matters and appeals in Queensland. QCAT would review the case based on evidence and arguments presented by both parties.

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.

