



**AUSTRALIAN FOOD
SOVEREIGNTY ALLIANCE**

Australian Food Sovereignty Alliance (AFSA)

Legal Guide for farmers (Tasmania)

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 *Tasmania Planning Scheme*

The planning system in Tasmania is called the ‘Tasmanian Planning Scheme’. It was only recently established and is still being rolled out across the state. It implements the *Land Use Planning and Approvals Act 1993* (Tas) and comprises the State Planning Provisions (‘SPP’) and Local Provisions Schedules (‘LPS’). The [SPP](#) is a broad planning instrument that ensures

planning schemes are consistent across all councils. Each council will eventually have its own local land use plan called an LPS, for example the Draft Launceston Local Provisions Schedule. Councils that are yet to transition to the new system each have an ‘interim’ planning scheme that implements the *Land Use Planning and Approvals Act 1993* (‘LUPAA’), for example the [Kingborough Interim Planning Scheme 2015](#). The LPS or interim planning scheme for a council can currently be accessed [here](#).

2 Land Use Controls

To determine the **zones** and **overlays** that apply to a property, either generate an unofficial Property Report for the property from [PlanBuild](#), or locate the property on the ‘map’ of the applicable LPS (for example, see the [map of Draft Launceston Local Provisions Schedule](#)).

(a) Zoning

The zone in which a property is located affects the types of farming that are allowed (with or without a permit) or prohibited on that land. In order to determine this, it is necessary to first, determine the **land use** and **land use class** in which the proposed farming operation falls, and second, review the requirements (if any) for that land use class in the relevant **zone**.

(i) Land uses and land use classes

Each land use is defined in Table 3.1 of the SPP.² For example, using land to keep and breed non-domestic animals and pets is a type of ‘agricultural use’. Each land use class is defined in Table 6.2 of the SPP. Relevant agricultural use classes (as at 14 September 2022) taken from the SPP are included in the below table. For example, agricultural uses fall within the class of ‘resource development’.

Land use class	Description
Resource Development	<p>Use of land for propagating, cultivating or harvesting plants or for keeping and breeding of livestock or fish stock.</p> <ul style="list-style-type: none"> ● If the land is so used, the use may include the handling, packing or storing of produce for dispatch to processors. <ul style="list-style-type: none"> ○ Examples (among others) include: <ul style="list-style-type: none"> ■ Agricultural use ■ Controlled environment agriculture ■ Crop production

² *State Planning Provisions* (‘SPP’), p. 7.

	■ Intensive animal husbandry
Resource Processing	Use of land for treating, processing or packing plant or animal resources. <ul style="list-style-type: none"> ● Examples (among others) include: <ul style="list-style-type: none"> ○ Abattoir ○ Animal saleyard ○ Cheese factory ○ Fish processing ○ Milk processing
General Retail and Hire	Use of land for selling goods or services, or hiring goods. <ul style="list-style-type: none"> ● Examples (among others) include: primary produce sales

(ii) Zone

The below tables, taken from the SPP, provide the requirements for agricultural use classes in each zone. For example, in a rural living zone, uses that fall under the ‘resource development’ class are allowed without a permit so long as it is for grazing (as at 08 August 2022).

General Residential Zone³, Low Density Residential Zone⁴

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire			If for a local shop	

Inner Residential Zone⁵

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire				

Rural Living Zone⁶

³ State Planning Provisions, cl 8.0.

⁴ State Planning Provisions, cl 10.0.

⁵ State Planning Provisions, cl 9.0.

⁶ State Planning Provisions, cl 11.0.

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development	If for grazing		If NOT for: Intensive animal husbandry OR 'No permit required'	
Resource Processing			If NOT for: Abattoir Animal saleyard	
General Retail and Hire			If for either: Primary produce sales Sales related to Resource Development A local shop	

Village Zone⁷

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If NOT for: Abattoir OR Animal saleyard	
General Retail and Hire				

Urban Mixed Use Zone⁸

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If for food or beverage production	
General Retail and Hire				

⁷ State Planning Provisions, cl 12.0.

⁸ State Planning Provisions, cl 13.0.

Local Business Zone⁹, General Business Zone¹⁰, Central Business Zone¹¹

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If for food or beverage production	
General Retail and Hire				

Commercial Zone¹²

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If for food or beverage production	
General Retail and Hire				

Light Industrial Zone¹³

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire			If for alterations or extensions to existing General Retail and Hire	

General Industrial Zone¹⁴

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource				

⁹ State Planning Provisions, cl 14.0.

¹⁰ State Planning Provisions, cl 15.0.

¹¹ State Planning Provisions, cl 16.0.

¹² State Planning Provisions, cl 17.0.

¹³ State Planning Provisions, cl 18.0.

¹⁴ State Planning Provisions, cl 19.0.

Development				
Resource Processing				
General Retail and Hire				

Rural Zone¹⁵

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire		If associated with Resource Development or Resource Processing	If NOT 'permitted'	

Agriculture Zone¹⁶

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development	If on land that is not prime agricultural land OR If on prime agricultural, for an agricultural that is 'dependant on the soil as the growth medium or conducted in a manner which does not alter, disturb or damage the existing soil profile or preclude it from future use as a growth medium'		If NOT 'no permit required'	
Resource Processing				
General Retail and Hire		If associated with Resource Development or		

¹⁵ State Planning Provisions, cl 20.0.

¹⁶ State Planning Provisions, cl 21.0.

		Resource Processing		
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Landscape Conservation Zone¹⁷

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development			If NOT for intensive animal husbandry	
Resource Processing				
General Retail and Hire			If associated with a Tourist Operation	

Environmental Management Zone¹⁸

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development		If for grazing AND An authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.	If not 'permitted'	
Resource Processing				
General Retail and Hire		If an authority under the National Parks and Reserve Management Regulations 2019 is granted by the Managing Authority, or approved by the Director-General of Lands under the Crown Lands Act 1976.		

Major Tourism Zone¹⁹

¹⁷ State Planning Provisions, cl 22.0.

¹⁸ State Planning Provisions, cl 23.0.

¹⁹ State Planning Provisions, cl 24.0.

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If for food or beverage production	
General Retail and Hire				

Port and Marine Zone²⁰

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing			If for marine, port, shipping and transport purposes or aquaculture or fish processing	
General Retail and Hire		If for chandlers and other shipping and transport related goods.		

Utilities Zones²¹

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire				

Community Purpose Zone²²

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource				

²⁰ State Planning Provisions, cl 25.0.

²¹ State Planning Provisions, cl 26.0.

²² State Planning Provisions, cl 27.0.

Development				
Resource Processing				
General Retail and Hire			If for a market	

Recreation Zone²³

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development				
Resource Processing				
General Retail and Hire			If for a market OR clothing, equipment or souvenirs for a Sports and Recreation use	

Open Space Zone²⁴

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development			If for grazing OR marine farming shore facility or other facility that relies upon a coastal location to fulfil its purpose	
Resource Processing				
General Retail and Hire				

Future Urban Zone²⁵

Use Class	No permit required	Permitted	Discretionary	Prohibited
Resource Development		If for agricultural use EXCEPT for controlled environment agriculture		

²³ State Planning Provisions, cl 28.0.

²⁴ State Planning Provisions, cl 29.0.

²⁵ State Planning Provisions, cl 30.0.

Resource Processing				
General Retail and Hire				

3 Codes

The code(s) that apply to land indicate the standards that apply for building or making other changes to that land. For example, if a Scenic Protection Code applies and the land is within a scenic protection area, any buildings or works (including destruction of vegetation) must be on land not less than 50m in elevation below a skyline and not total more than 500m² in extent (as at 08 October 2022). All the codes that may apply are included in the SPP and listed below.

Signs Code²⁶

Parking and Sustainable Transport Code²⁷

Road and Railway Assets Code²⁸

Electricity Transmission Infrastructure Protection Code²⁹

Telecommunications Code³⁰

Local Historic Heritage Code³¹

Natural Assets Code³²

Scenic Protection Code³³

Attenuation Code³⁴

Coastal Erosion Hazard Code³⁵

Coastal Inundation Hazard Code³⁶

Flood-Prone Areas Hazard Code³⁷

Bushfire-Prone Areas Code³⁸

²⁶ SPP, C1.0.

²⁷ SPP, C2.0.

²⁸ SPP, C3.0.

²⁹ SPP, C4.0.

³⁰ SPP, C5.0.

³¹ SPP, C6.0.

³² SPP, C7.0.

³³ SPP, C8.0.

³⁴ SPP, C9.0.

³⁵ SPP, C10.0.

³⁶ SPP, C11.0.

³⁷ SPP, C12.0.

³⁸ SPP, C13.0.

Potentially Contaminated Land Code³⁹

Landslip Hazard Code⁴⁰

Safeguarding of Airports Code⁴¹

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](#).

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

Cattle, sheep and goats

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

- You must have a Property Identification Code (PIC).
- Animals must have an NLIS ear tag.
- You must supply a vendor declaration form to the buyer or carrier and retain a copy, and notify the NLIS database of livestock movement. Both the seller and the buyer must keep a copy of the vendor declaration for at least TWO years.
- You should supply an animal health statement. There are different animal health statement forms for beef and dairy cattle, and for sheep and goats.

Please note that for the time being, NLIS requirements do not apply to a dairy goat unless it is going to a saleyard or directly to an abattoir.

³⁹ SPP, C14.0.

⁴⁰ SPP, C15.0.

⁴¹ SPP, C16.0.

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

Poultry

There are no regulatory requirements for keepers of small poultry producers in Tasmania. However, it is recommended that you develop a biosecurity plan - more information can be found [here](#).

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

Bees

Registration as a beekeeper in Tasmania is currently voluntary and there is no cost to become registered. As part of the implementation of the *Biosecurity Act 2019* (the Act), beekeeping will soon become a 'regulated dealing' and under the Act, a person must not engage in a regulated dealing unless they are 'registered'.

Biosecurity Tasmania is currently developing a compulsory registration system for beekeeping in Tasmania that will include registration conditions which will need to be met. More information about this system, and further stakeholder consultation (including both commercial and recreational beekeepers) on the conditions of registration, will be undertaken in early 2022. The registration system has not yet been introduced.

You are welcome to register as a beekeeper at any time, under the current system. More information can be found [here](#).

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 Tasmania the [Water Management Act 1989](#) governs the taking and usage of water. It sets out rights and responsibilities with water usage, and similar to other states, enables the taking and using of water without a water licence for domestic use only. All other usage requires a water licence.

Using water without a licence:

Section 48 of the [Water Management Act 1989](#) sets out the rights of landowners and occupiers to use water adjoining their property without a licence. Without a licence, water used must be for domestic purposes, irrigation of a household garden, stock watering, or firefighting. If a water management plan is in place this right can be revoked and a licence may be required. Water management plans are implemented by the Department of Natural Resources and Environment and seek to regulate how water is utilised within their boundaries. To find out if a water management plan is in place for your area click [here](#). For more information regarding whether a water licence is needed and the offences of taking water without a licence click [here](#).

Obtaining a water licence and water allocation:

A water licence specifies where water can be taken and must be obtained in order to take, trap, or store water for the use of watering stock for commercial sale or for crop irrigation. Along with a water licence, a water allocation would generally need to be required. A water allocation states how much water can be taken at a specified time whereas a water licence specifies where water can be taken.

Section 58 of the [Water Management Act 1999](#) outlines that conditions may be attached to the water allocation including but not limited to the area that the water is to be taken from, the area the water is to be used on, and the specific purpose for which the water is to be used.

Along with the application, there is a fee that is required to be paid for both the water licence and the water allocation. The fees for each can be found [here](#).

Upon the application being submitted and reviewed by the Water Resources Division the application is advertised for a 14 day period for objections. If no valid objections are lodged, then the Water Resources Division can approve or refuse the application. If the application is refused the applicant has 14 days to appeal the authorities decision to the [Resource Management and Planning Appeal Tribunal](#). If it is successful the applicant has 14 days to request a review of licence conditions.

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 Tasmania, all meat production activities are regulated by the Biosecurity Tasmania, under the Meat and Poultry Food Safety Scheme which is established by the [Primary Produce Safety \(Meat and Poultry\) Regulations 2014](#) and [Primary Produce Safety Act 2011](#). An accreditation is required for the following activities:

- Commercial live poultry producers (farmers and transporters);
- Meat, poultry meat and game meat processors; and
- Ready-to-eat meat (smallgoods) manufacturers.

To get a Biosecurity Tasmania 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](#)
- Submit an [accreditation application](#).
- Pay the application fee.

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 Department of Natural Resources and Environment 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 an Approved Food Safety Auditor.

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

In Tasmania, there is an [annual accreditation fee](#), based on how many FTE (full-time equivalent) employees you have.

If you are producing smallgoods, there is a useful guideline available on the [Department of Natural Resources and Environmental website](#).

Third Party Audits

In addition to accreditation fees, farmers in Tasmania must pay for an [audit of their approved food safety program](#) to be carried out at least once annually. In some cases, the Chief Inspector might require a more frequent auditing schedule.

Audits can be carried out by an approved private third party auditor or by a Department of Natural Resources and Environment Tasmania (NRE Tas) auditor and will be charged according to market rates, on a “fee for service” basis.

There will be no direct charges to producers for a random inspection or “check audit” (to verify a third party audit) carried out by an NRE Tas authorised officer under the Act. However statutory fees will be charged for NRE Tas audits and inspections that are related to non-compliance with the Act or regulations.

For more information, please visit the [Biosecurity Tasmania website](#).

Eggs

Small commercial egg producers (producing less than 20 dozen eggs per week) will not be required to hold an accreditation, have an annual food safety audit nor pay any associated fees. However, they will be required to formally notify and register their activity with Biosecurity Tasmania - find the relevant form [here](#).

They must also comply with the Food Standards Code requirements in respect to commercial egg production, including the requirement to have a [Food Safety Management Statement](#) and to stamp their eggs.

Small backyard egg producers with less than 20 egg producing birds, who produce eggs on their property primarily for home consumption (but may only occasionally sell or barter excess eggs directly to friends, family or neighbours) are exempt from the requirements of Standard 4.2.5 and the Egg Scheme.

The commercial production of eggs for human consumption in Tasmania is regulated by Biosecurity Tasmania under the *Primary Produce Safety (Egg) Regulations 2014* (the Egg Food Safety Scheme). The Egg Scheme gives effect to the requirements applying to Tasmanian egg producers under the [Australia New Zealand Food Standards Code \(Food Standards Code\)](#).

Dairy Production & Processing

Production (Farming)

If you want to operate a dairy farm on your property in Tasmania, you must hold a licence issued by the Tasmanian Dairy Industry Authority (TDIA) under the [Dairy Industry Act 1994](#). The *Dairy Industry Act 1994* defines a dairy farmer as the owner (or person in charge) of a premises where cows (or other non-bovine animals such as sheep or goats) are kept or milked for the purpose of producing milk for profit or sale. This includes farmers who supply milk to themselves for bottling or making into dairy products.

To obtain a dairy farming licence in Tasmania, you must:

- Submit Dairy Farmer Licence Application/Transfer Form to TDIA and pay the prescribed fee
- Submit Referral to Function Control Authority form to TDIA for ‘Special Use Building’
- Develop or obtain, and complete, a TDIA-approved Food Safety Program
- Develop, review and/or update your dairy farm premises [Effluent Management Plan](#) and submit documentation to TDIA for approval
 - Effluent systems are to be assessed and designed by suitably qualified persons and meet the design criteria set out in the National Effluent and Manure Database
- Effluent Management System Assessment by appropriately qualified persons
- Verification from the appropriately qualified designer(s) that the effluent system has been built in accordance with the submitted effluent management plan
- Obtain and submit a Certificate of Occupancy to the TDIA
- Obtain and submit a Certificate of Completion (plumbing permit to the TDIA)
- Submit a Notice of Intention to Complete Dam Works to DPIPWE Water Branch (if applicable)
- Register new or existing effluent dams with DPIPWE Water Branch
- Submit a Notice of Completion of Dam Works with proof of ‘Works as Executed’ (WAE) to DPIPWE Water Department and the TDIA
- On-farm site inspection by TDIA

As a first point of call, contact the TDIA, your local Council and your preferred milk supply company to ensure that your plans and/or premises meet their requirements. You may need to obtain planning approvals for new or modified premises.

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 TDIA website [here](#).

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

Once the application and 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 an Approved Food Safety Auditor.

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

Processing (Manufacturing)

In Tasmania, dairy processors and manufacturers come under the umbrella term “factories”, and will require a licence from TDIA:

- **Dairy Manufacturers** are defined as businesses that take milk and transform it into other products for sale - such as cheese, yoghurt, ice cream, powdered milk and other dairy products.
- **Dairy Processors** are defined as businesses that process milk and cream into packaged cartons and bottles for sale.

Not all businesses that manufacture dairy products will be required to have a licence - some retail establishments that manufacture and sell on site, such as restaurants, do not need to be licenced with TDIA as their local Council will take responsibility for these businesses.

However, if a business manufactures and sells on site but also sells at other premises, such as an ice cream retailer that also supplies other stores, they will require licensing.

To obtain a dairy farming licence in Tasmania, you must:

- Make contact early with TDIA and your local Council to ensure your premises meet requirements - you may need to obtain planning approvals for new or modified premises.
- Develop a written food safety program to identify and control potential food safety hazards in the food manufacturing process.
 - TDIA has resources to help you with this process, and provides feedback on your program to assist you. Read the Requirements for Factories document listed below to help develop your program.
- Lodge your application form, application fees and food safety program with TDIA for assessment.

Before applying for a licence, it is important to ensure that you understand the standards and guidelines your facility must adhere to. These can be found at the following links:

- [Requirements for Factories](#)
- [Primary Production and Processing Standard for Dairy Products - Dairy Processing](#)
- [ANZDAC Validation and Verification of Heat Treatment Equipment and Processes](#)
- [Dairy Factory Licence Conditions](#)

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

Once the application and 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 an Approved Food Safety Auditor.

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

Vendors

A vendor's licence is issued to persons (or entities) that sell or transport market milk. Market milk is defined under the *Dairy Industry Act 1994* as milk or cream for sale for human consumption as a liquid. This means that you need to have a licence if you intend to carry or deliver milk or cream.

Although vendors are not required to have a food safety program, they are required to ensure their products are carried and stored at below 5°C to ensure their safety.

TDIA will check that vendors can effectively monitor their transport temperatures, and that vehicles are kept clean.

Application forms can be found [here](#), and licence conditions [here](#).

Raw Milk/Cheese

In Tasmania, all milk sold must be pasteurised. The sale of raw milk for human consumption is illegal.

If you wish to produce raw milk cheese, please contact TDIA for more information around standards and regulations.

Food Sales

Farmgate/On-site

Please note: This section is to be developed further in the coming months as we gather more information.

Off-site/Farmers Markets

If you intend to operate a mobile food business, you must notify your local council before you commence operation. The sale of meat and whole fruit and vegetables only requires to notify your local council before you commence operation. Other products may require registration with your local council. Please find detailed classifications [here](#), and [Guidelines](#) for mobile food business here.

Chapter 3 of the *Food Standards Australia & New Zealand Food Standards Code* sets out food and 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 Tasmania, you do not need a Biosecurity Tasmania accreditation if you are slaughtering your own animals on your property for private consumption at home.

Section 13 of the *Primary Produce Safety (Meat and Poultry) Regulations 2014* states that homekill processing is exempt from the meat safety scheme.

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 must get an accreditation from Biosecurity Tasmania, under the Meat and Poultry Food Safety Scheme which is established by the *Primary Produce Safety (Meat and Poultry) Regulations 2014* and *Primary Produce Safety Act 2011*.

To get a Biosecurity Tasmania 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](#)
- Submit an accreditation application.
- Pay the application fee.

The following Standards are implemented by the Tasmanian Meat and Poultry Scheme:

- PPP Standards published in the Food Standards Code by [Food Standards Australia New Zealand](#) (FSANZ)
 - *Standard 4.2.2 Primary Production and Processing Standards for Poultry Meat*

- *Standard 4.2.3 Primary Production and Processing Standard for Meat.*
- Australian Standards available from CSIRO Publishing at www.publish.csiro.au
 - *Australian Standard for the Hygienic Production and Transportation of Meat and Meat Products for Human Consumption (AS 4696:2007)*
 - *Australian Standard for Hygienic Production of Wild Game Meat for Human Consumption (AS 4464:2007)*
 - *Australian Standard for Hygienic Production of Rabbit Meat for Human Consumption (AS 4466:1997)*
 - *Australian Standard for Hygienic Production of Natural Casings for Human Consumption (AS 5011:2001)*

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 an Approved Food Safety Auditor.

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

In Tasmania, there is an annual accreditation fee, based on how many FTE (full-time equivalent) employees you have. In addition, there are fees for the original accreditation application and for approval of your food safety program.

Third Party Audits

In addition to annual accreditation fees, producers must pay for an audit of their approved food safety program to be carried out at least once annually (unless a different interval is required by the Chief Inspector).

Audits can be carried out by an approved private third party auditor or by an NRE Tas auditor and will be charged according to market rates, on a fee for service basis.

There will be no direct charges to producers for a random inspection or “check audit” (to verify a third party audit) carried out by an NRE Tas authorised officer under the Act. However statutory fees will be charged for NRE Tas audits and inspections that are related to non-compliance with the Act or regulations.

For the current list of audit fees, head [here](#).

Mobile Slaughter Unit

Mobile abattoirs can operate in Tasmania to provide a service for *homekill* processing, where meat is produced from an animal slaughtered on behalf of the owner of the animal on premises where the owner resides and for consumption on those premises.

Accreditation under the Primary Produce Safety legislation is not required in respect to such activity.

However, it is important to note that the current position in Tasmania is that mobile abattoirs cannot be used for commercial meat processing within Tasmania, meaning that meat will not be able to leave the property on which it is slaughtered or be sold if a mobile slaughter unit is used.

Game Meat

To harvest wild game in Tasmania, you must obtain a licence from the Department of Natural Resources and Environment. Find all of the relevant information [here](#). To obtain a game hunting licence, you will need to:

- Hold a current firearms licence if applying to take deer, duck, wallaby, brown quail or pheasant. Current firearm licences issued from all Australian states or territories will be accepted
- Have completed a [Hunting Take Return Information Form](#) if applying to renew licences
- Have the permission of the landowner if on private land
- Have passed a [Waterfowl Identification Test](#) if applying for a licence to take wild duck

To process game meat in Tasmania, you will be required to follow the same accreditation process as for any meat processing facilities in Tasmania. Please find a detailed explanation of the accreditation process at Meat Production and Processing - Tasmania [here](#).

Storage and Transportation

Note: This section is to be developed further in the coming months as we gather more information.

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>)	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	With the consent of the landsharer, any improvements to the land can be made by the landholder. The landholder is to be compensated the fixed amount if specified in the

	<p>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 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 	<p>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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	<ul 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
VIC	In Victoria, there are no laws that regulate land sharing agreements beyond the law of contracts.	
NSW	In writing: - Each party has the right to have a written and signed land sharing	

	<p>agreement.</p> <p>- 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.</p>	
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.

Tasmania 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 Natural Resources and Environment Tasmania	<ul style="list-style-type: none">● Farm safety issues● Workplace health and safety
Tasmanian Civil and Administrative Tribunal (TASCAT)	<ul style="list-style-type: none">● Appealing a planning decision that has been made by State Government or local council.
Department of Justice Tasmania	<ul style="list-style-type: none">● Legal aid● Legal advice

[Department of Premier and Cabinet Tasmania](#) and local councils

- Assess applications for development under their planning scheme
- Act on:
 - breaches of the planning scheme
 - breaches of permits issued by the council

Case study: Navigating the planning system as a small-scale dairy farmer

Small-scale dairy farmers in Tasmania face numerous challenges stemming from evolving planning laws and regulations that impact their ability to operate efficiently and sustainably. This case study explores common challenges encountered by these farmers and outlines steps for grounds for review, including relevant government authorities involved in decision-making processes.

Common challenges:

1. **Zoning restrictions:** Many small-scale dairy farms in Tasmania operate within rural or agricultural zones designated for farming activities. However, changes in zoning regulations or updates to local planning schemes may impose new restrictions or requirements that affect farming practices.
2. **Environmental compliance:** Increasing emphasis on environmental sustainability and conservation can lead to stricter regulations concerning waste management, water usage, and land management practices. Compliance with these regulations may require costly upgrades or modifications for small-scale farmers.
3. **Infrastructure development:** Proposed expansions or improvements to existing infrastructure, such as milking parlors or storage facilities, often require planning approvals that can be delayed or denied due to zoning conflicts or environmental concerns.
4. **Community engagement:** Local community opinions and concerns about noise, traffic, odor, and visual impacts from dairy farming operations can influence planning decisions, creating additional challenges for farmers seeking approvals.

Steps for Grounds for Review:

1. **Legal compliance:**
 - **Grounds for Review:** Review whether new regulations or changes in planning laws are applied correctly and fairly.
 - **Relevant authorities:** Local Council (Planning Authority), Tasmanian Planning Commission (TPC), Department of Primary Industries, Parks, Water and

Environment (DPIPWE).

2. **Procedural fairness:**

- **Grounds for Review:** Ensure proper procedures were followed during the planning application process, including adequate consultation and notification.
- **Relevant Authorities:** Local Council (Planning Authority), Tasmanian Planning Commission (TPC).

3. **Environmental impact:**

- **Grounds for review:** Assess the accuracy and adequacy of environmental impact assessments (EIAs) conducted for proposed developments.
- **Relevant Authorities:** Tasmanian Environmental Protection Authority (EPA), Department of Primary Industries, Parks, Water and Environment (DPIPWE).

4. **Community considerations:**

- **Grounds for review:** Evaluate how well community concerns were addressed and considered in the decision-making process.
- **Relevant authorities:** Local Council (Planning Authority), Tasmanian Planning Commission (TPC).

Relevant Government Authorities Involved in Decision-Making:

1. **Local council (Planning Authority):**

- Responsible for assessing and deciding on planning applications, enforcing local planning schemes, and considering community impacts.

2. **Tasmanian Planning Commission (TPC):**

- Provides oversight and handles appeals related to planning decisions made by local councils, ensuring consistency with statewide planning policies.

3. **Tasmanian Environmental Protection Authority (EPA):**

- Oversees environmental impact assessments (EIAs) and provides recommendations on sustainable practices, pollution prevention, and compliance with environmental regulations.

4. **Department of Primary Industries, Parks, Water and Environment (DPIPWE):**

- Offers guidance on agricultural practices, land use planning, and environmental management relevant to dairy farming operations.

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.

