



Hon L Giddings MP
Premier of Tasmania
Parliament House
Hobart TAS 7000

Dear Premier

Every day Tasmanian farm businesses work to deliver a reliable, consistent and sustainable supply of high-quality food and fibre products for millions of domestic and international customers.

Agriculture is a highly productive, innovative and efficient sector of the economy, using modern technology and rigorous assurance processes to maintain food safety, product quality and environmental protection. The opportunities for the agricultural sector in the coming century, both nationally and at a state level, have been well documented. And yet, the sector is being limited in its efforts to seize these opportunities through a tangle of complex regulations which increase costs to industry and governments, and limit our competitiveness as individual businesses and a nation as a whole.

The Tasmanian Farmers and Graziers Association (TFGA) acknowledges the need for effective regulation. Regulation provides important protections for the business owners, employers, workers, and the community, and sets a minimum level of performance required to meet community standards and expectations. However, it is important that regulation is appropriately targeted, clearly communicated, and that its restrictions are minimised as far as possible to avoid perverse outcomes.

Governments also need to purposefully consider whether a regulatory approach is the best way to achieve the desired outcome.

TFGA is of the view that, while there are a range of necessary regulatory imposts across the entire agricultural sector, it is the cumulative impact of the multitude and overall accumulation of minor or peripheral regulations that underpin the industry concern. On their own, minor regulatory impacts may not appear too burdensome or costly. It is only when Commonwealth, state and locally based regulations are added to sector specific regulations that the impacts becomes clearer.

The administrative and cost burdens to comply with and carry on business in the agricultural sector are significant.

The state government's own report 'Measuring Red Tape' study, released in January this year, reported some astounding figures. The gross value of production of agriculture, fishing and forestry in Tasmania is \$1.982 billion, of which the agricultural sector accounts for \$1.150 billion. The total cost of red tape for those three sectors of the industry is \$321.4 million a year. That figure is staggering enough as a standalone number, but it represents 16.2 percent of the value of production. It means that one dollar in every six at the farm/fishery/forest gate is lost on regulatory imposts, meeting the cost of compliance.

So where agriculture, fisheries and forestry account for 10 percent of Tasmania's Gross State Product, they carry more than 25 percent of the total bill for compliance on this limited suite of measures. Even a very basic analysis shows that this study had a limited scope and that, by taking into account the areas that were not measured as part of the report, the actual cost could be double the reported estimate.

Challenges to maintain competitiveness on farm are already substantial with the high Australian dollar and increased input prices driving a declining terms of trade. Tasmanian farmers face the added costs of our isolated location.

The problem becomes compounded when unnecessary regulatory burdens are imposed on industry. This can arise in a number of ways, including through excessive regulatory coverage; overlap or inconsistency; unwieldy approval and licensing processes; heavy-handed regulators; poorly targeted measures; overly complex or prescriptive measures; excessive reporting requirements; or creation of perverse incentives.

It is in the interests of government to consult early with industry to determine the industry perspective on the perceived problem or concern that needs to be addressed. While there are regular opportunities for consultation, often the problem has been identified and agreed upon without debate and discussion with the key stakeholders who will be impacted by the proposed measures. As part of the regulatory development process, it is critical that there is a clear understanding of the market failure or problem that the regulation is seeking to remedy. Industry must be part of the conversation early to ensure there is an open and comprehensive consideration of the issues. Unfortunately, our experience over recent years has not shown this to be the case.

The regular statements coming from government and the bureaucracy indicating that red tape is not an issue in Tasmania serve only to exacerbate our frustration at this intensifying burden.

So we have decided it is time to put up rather than once again be told to shut up.

Over the past month, we have monitored incoming contacts from members and noted their advice and complaints about the layers of red and green tape tying them in knots. Attached is a spreadsheet in which these instances have been recorded. Names and identifying features have been removed to protect the identities of individuals. We have more details of each report should this be required.

It is important to note this is not a comprehensive list; nor did we make a special effort to gather instances to present an exaggerated picture of the situation. This is simply a snapshot in time of a range of issues raised with us by our members. In reality, then, this can be likened to the tip of an iceberg.

Premier, we are of course standing ready to work with you in minimising these ever-increasing and often unproductive regulatory burdens that are making the likelihood of Tasmanian farmers achieving the great potential we all know that this industry has.

Yours sincerely

Jan Davis
Chief Executive Officer
1 November 2011

TFGA Red Tape Examples October 2013

Planning - building a shed.	Planning approval given for calf shed, shed made but was approximately 4cm over the local government scale under the permit costings therefore planning cost application increased - increase was disproportionate considering there was no real difference in the work Council had to do to approve	Local Gov
Poppy control - restriction on farmers ability to farm own property	Non-farm property that is now used by private entity for welfare rehabilitation is bordered on all sides by a commercial farm. Commercial farm planted poppies as part of rotation in one of paddocks at border but only after agreement with all concerned that the boundary fences would be treated as a roadside fence to improve security. This agreement was later nullified by Mr Patmore and the crop required, at great expense, to be ploughed in. Will impact future years too as the planned rotation paddocks for the poppies also border the non-farm property	State Gov
Forest Practices Plan and plantations	Denied bank loan in order to purchase another property because bank had issue due to plantation on property and in current IGA environ saw this as bad loan risk	State Gov
General - land purchase	Property subject to "100 year" lease being purchased freehold. On settlement day the Crown informed purchaser that \$45,000 would need to be paid before they would release title. No prior warning and could have derailed whole deal if purchaser had not been able to access the funds to cover this substantial unexpected expense.	State Gov
Reconnection of existing electricity meter	An all weather road was requested by Aurora before they would reconnect meter because they have an all weather road to meter point for new and reconnected meters. The meter in question was in middle of a leased paddock. A solution was negotiated but it took TFGA intervention	State Gov (GBE)
Planning issues	Planning issue with Local Govt Council - a planning stuff up cost farmer \$2m. He then spent over 2 years fighting for compensation for his outlay.	State Gov
Bushfires - Charged with failure to stop without reasonable excuse	Was isolated from property when fires started and went through two roadblocks to get to his property during bushfires in order to get to his stock that were unable to escape	State Gov
Planning directive - sealed driveway requirement when purchasing neighbouring property	Planning application triggers policy according to Council engineer - not a government directive but instigated by a joint decision by the various Council infrastructure departments who decided it should be policy to require an IPWEA standard drawing No 1009 which requires the driveway surface to be the same as the road.	Local Gov't/State Gov't
Stamp duty	Told by Service Tas he had to pay stamp duty on tractor even after he explained it was for ag - had to ring us to get it clarified by DIER	State Gov
Land Tax	Property changed hands and new owner was charged Land Tax despite the property always being a commercial farm. Was not initially told that he had to apply individually to get exemption and then had to fill out substantial paperwork to get agricultural land exemption.	State Gov
Register Vehicle for restricted road use	Farmers have to redo and lodge a map of planned use every time they reregister a vehicle for limited road use despite the fact that the usage will not have changed for farmers as they would be accessing the same points on their property. It would be easier to ask if the access points had changed since last registered.	State Gov

Dormant accounts"unclaimed money" rules & impact on farm deposit accounts	Changes to unclaimed money at bank resulted in members farm deposit account being closed because the account had not been accessed in the required period. Member got it reversed in this case as bank failed to contact them	Fed Gov
OHS regulation	Member had to remodel 100 year old shearing shed and remove stand as it was deemed stands too close. WST could not give an answer on what distance was required between stands. There is no standard in Tas for shearing sheds so was given Victorian standard (Vic not a harmonised OHS state)	State Gov
Land Planning	Member spent over 4 years trying to get planning for subdivision through Dorset Council	Local Gov
Environmental	Member wanted clean and clear an existing drain and was advised that needed FPA approval as was a "class 2" stream and as such needed assessment by a FPO first	State Gov
Clearance/conversion of land - regrowth	Cleared regrowth and other bush. As regrowth did not fit the 1ha or 5m high rule it was deemed to be subject to a new FPP and member deemed in contravention.	State Gov
Hemp licencing	There are as many regulations around growing industrial hemp a product with negligible drug content as there are for opiate poppies making it an unattractive to look at developing a viable and potentially profitable market.	State Gov
Planning	After so many obstacles in negotiating the planning issues that arose in trying to build butchery on property member has given up on the concept and opened a shop front in town	Local Gov
Mining licenses	Individual landowners are not required to be directly given notice of application for licence impacting their property	State Gov
Cost of compliance with regs and legislation that has the predominant purpose of meeting societal expectations	Landowners are continually expected to bear sole burden of meeting the cost of compliance of this type of regulation. Examples are aboriginal heritage plans, historical cultural heritage requirements, forest practice plans	All tiers but predominantly is State Gov
Foret Practice Plans (Forest Practice Act)	Generally it is a laborious, slow and costly process that desperately needs an overhaul to streamline and reduce costs	State Gov
Road access issue	Roadworks on the Bass Highway caused issue with driveway access - no consultation	State Gov
Telstra cables	Every cropping season TFGA receives numerous complaints from farmers who have been ploughing paddocks and unwittingly dissected Telstra cables. Often they are unaware of the issue until they receive an invoice from Telstra for the repairs as the line in question does not even service their property. Now Telstra is semi-privatised there is this legacy of unfettered easement with no control or recourse	Cth Gov
Power meter access platforms requiring retrospective engineers certification	This year Aurora issued notice to farmers who have raised platforms to access their power meters that the meter readers would not be reading these meters until the platform had been certified by an engineer as being compliant with current Australian standard. The cost of getting the certification was in cases very costly.	State Gov (GBE)

Aurora meters not being read on rural properties	For a large number of reasons, some genuine and others questionable, an increasing number of rural meters are not being read and instead being subject to an estimation process. This is at times resulting in farmers caving massive winter accounts for irrigation meters that have either not been used at all or had minimal use. Queries to aurora are often met with the offer to send out someone to read the meter but at a cost to the account holder	State Gov (GBE)
Conducting a burn	Multiple pieces of legislation play a role in governing a farmer's ability to conduct burns on his property: fire services act; environmental protection policy 2004; environmental management and pollution control act; forest practices code; forest practices act; EPBC Act (Cth)	All tiers but predominantly is State Gov
Forest Practice Plan (FPP)	The current regs around FPP's meant that those farmers were subject to the same requirements as anyone else and therefore open to possible prosecution for non-compliance despite the immediacy of the impact of the fires.	State Gov
Forest Practice Plan (FPP)	Farmer unknowingly breached Forest Practices Act because permit had lapsed and he cleared regrowth cleared under original permit. - Time limits on life of FPP means delay can result in having to start again with the same FPP; classification of regrowth on land already cleared under an approved FPP	State Gov
National Heavy Vehicle Regulations	Under the new Heavy Vehicle regulations, that Tas has agreed to, the Chain of Responsibility have shifted some of the onus for compliance with NHVR onto farmers - implying an expectation that they be familiar with the regulations such as load limits	Cth and State Govs
Maintenance of power poles and wires	Some long established connections on properties that farmers are unaware they bear the responsibility for maintenance of poles and wires as they have been deemed private at some stage. Some aware of responsibility for private poles but NOT the wires - this includes safety inspections - as this has never been established and the changes of the government energy business structures over the years means that there is no real recourse in some cases.	State Gov (GBE)
Maintenance of power poles and wires	Poles condemned and when replacement was being organised it was deemed that approximately 1km of wires were deemed unsafe and had to also be replaced (at a cost of approx \$25k to the farmer)	State Gov (GBE)
roadworks	Member spent considerable time and effort in trying to get DIER to review its plan to locate a G-turn as part of the highway upgrade. DIER initial option was to place the G-turn at a site aimed to facilitate the movement of traffic for a once a year event. The farmer concerned owned property on both sides of highway and the DIER preferred location would have caused a major traffic hazard as equipment was transferred from one property to the other. As the equipment is large and slow moving it would have created a major traffic impediment.	State Gov
roadworks	Farmer on holiday returned to find that a road upgrade along his property boundary had removed a road access to his property - the grass was overgrown and the workers had not seen the existing driveway. He was told that for him to have a road access that he would have to apply for a new one and the place that his old one was would not be compliant with laws so could not be used	State Gov

planning - bushfire zone	A simple boundary realignment between two neighbours properties has attracted subdivision rules despite the fact that no property is changing hands and there are no buildings involved - just pasture. This has meant that a bushfire management plan has been mandated. One of the farmers involved with the realignment is the local area fire chief but is not eligible to do the plan it must be conducted by a person from a list of allowed people - none of which have local knowledge. There is no intention to place a house on the the land but there has to be a planned house under the bushfire planning rules and a bushfire plan must also be undertaken for the home on the original property.	State Gov
Boundary realignment	Disused rail corridor in the North East has been maintained by farmers whose properties it intersects. In some cases the fences have fallen away and not been repaired as it has been easier for the farmers to maintain for weeds etc. A number of the farmers have tried to purchase the land or get long term leases over the years but been denied. The government is now allowing the local Rotary club to set it up as a "rail trail" aimed at allowing tourists and others to traverse it on bikes (or walking). This may eventually restrict what farmers can do in the paddocks abutting the rail trail and brings strangers into an area of their property that would be hard to supervise. The farmers have offered alternative routes for the trail that would achieve the same objective but not dissect key farming areas of properties. These alternatives have all been rejected for various reasons.	State Gov
Railway corridor	Farmer was ordered by Council to clean cow pats from road straight after crossing for each milking as they were creating a hazard and contravening the Road Act. The farmers requested a speed restriction be erected in that zone so that they could hose the road down safely as cars had ignored their warning signs. Council refused	Local Government
Dam Construction	Have records of farmers taking up to 3 years to get a dam construction approved. Have to advertise for objections but is couched in such a way as to allow vexatious objections to hold up process. There has been considerable improvement to the time delays but it is still a lengthy process.	State Government
Fire Permits for burn offs	Bodies that have a legislated interest and compliance rules that farmers must obey when conducting burns: Tas Fire Service; Environmental Protection Authority; Department of Primary Industries; Local government.	State Government
Fair Work Act - generally	The Awards are so complicated that most farmers feel they are not equipped to accurately interpret them and work out what they have to pay a worker.	Fed Govt (but state referred)
Fair Work Act - Flexibility Agreements	Individual Employee Flexibility arrangements are crucial to farming as it is full on at certain times of the year and very quiet at others. It is rarely 9 to 5 and never 5 days a week. The rules around flexibility agreements are so complicated that in most cases farmers would need to purchase professional assistance to ensure that they are compliant with the rules.	Fed Govt (but state referred)
Game Control Permits for Crop protection	Application made for permit - type and number of tags required. Application is reviewed by the department - if rejected no process available for review other than judicial. The department may request modification to application or request inspection of property concerned. The survey method used during inspection is acknowledged by the department as flawed but still used. When a normal vermin control is done on a property it is not unusual to have to carry five permits - and if culling fallow deer and forrester kangaroos two different sets of tags (great care needs to be taken as the tags are nearly identical). If shooting at night and another person is merely operating the spotlight then they need the same permits that the are required of the shooter. There are more ifs, buts and maybes in this saga but for brevity sake will not add the rest.	State Gov
Workplace Health and Safety	New harmonised laws adopted that place much greater onus upon small businesses (PCBU); this is particularly so for farmers as they have a vast area under their control, most live in their "workplace" and deal with risky undertakings daily. Despite this no funding was allocated to work with farmers to help educate them on how to be compliant. There is also no recognition or acknowledgement of what farmers are already having to do to meet the numerous private sector QA's that they have to comply with already	State Gov/Fed Gov

Workplace Health and Safety	Despite milk vat automatically temperature controlled and milk picked up daily as well as vat data being downloaded daily by the tanker, in order to maintain a dairy farmers production license they have to twice yearly manually monitor, record and submit the temperature pull-down profile of their vat. Other regulatory monitoring involves animal welfare, crop chemical applications, OH&S, map the placement of rat baits, annual inspection of the dairy facility, record volume and site of firewood harvesting from their tree block, record the cow road crossings, veterinary chemical use...to name but a few.	predominately State Gov
Dairy Production	Despite milk vat automatically temperature controlled and milk picked up daily as well as vat data being downloaded daily by the tanker, in order to maintain a dairy farmers production license they have to twice yearly manually monitor, record and submit the temperature pull-down profile of their vat. Other regulatory monitoring involves animal welfare, crop chemical applications, OH&S, map the placement of rat baits, annual inspection of the dairy facility, record volume and site of firewood harvesting from their tree block, record the cow road crossings, veterinary chemical use...to name but a few.	predominately State Gov