Should society determine the right to farm?

John Ralph Essay Competition 2018

The right to farm versus the right to choose: society is having the final say
Deanna Lush

Society giveth, and society taketh away. That’s how it should be
Matt Cawood

To what extent should society determine the right to farm?
Nikki Dumbrell

Delimiting the right to farm through the instrumentality of the law
Ogbe Chukwunonso Daniel

Right to farm and its determination: the farming community’s responsibility
Marius Cuming
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Trust, or more accurately a general lack of trust, in government, business, media and non-governmental organisations (NGOs) continues to be a significant issue in 2018. The Edelman Trust Barometer,\(^1\) an online survey of 28 global markets, has found that the Australian general population has one of the lowest average levels of trust in these institutions of any of the markets surveyed.

Agriculture is not immune from this lack of trust and is exposed to significant change as a result. A Grattan Institute report – *A crisis of trust: The rise of protest politics in Australia\(^2\)* – details how falling trust in institutions loosely correlates with an increase in support for minor political parties. The influence of those minor parties, and the way that major parties react to threats to their support, results in reactive, unpredictable and often disruptive policy change.

The 2018 John Ralph Essay Competition explored these concepts of trust and social licence in agriculture by asking authors to debate the statement: ‘Society should determine the right to farm’.

In the winning entry – ‘The right to farm versus the right to choose’ – Deanna Lush put forward the argument that with an increasing gap between city and country and increasing scrutiny of farming, society is already determining the right to farm.

The essay contends that the debate over the right to farm will continue to take place on the ‘should we’ questions: what are the values, what are the ethics, should farmers and the food system be doing what they are doing? An openness to the genuine questioning of practices will require a “huge mind shift” for farmers, she writes.

Deanna’s essay draws on her Churchill Fellowship report on this topic and discusses in some detail the Centre for Food Integrity (CFI) model which has found success in the US and Canada. Farmers may believe they have a right to farm, but equally the market has a right not to buy their products. Learnings from the CFI experience indicate that transparency is the key to building trust and overcoming right-to-farm issues, and thus the sector must consider whether it is prepared for transparency and the changes to industry or farm practices which might be required as a consequence.

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Deanna concludes that it is time to look at a new approach for agriculture and a new way of engaging. The agriculture sector must upskill producers in “leading with shared values” to build trust rather than providing more information and science which, while important, will not win hearts and minds. Deanna, a strategic communication specialist, farms a diverse operation in South Australia.

The second essay in this edition of the Farm Policy Journal, and a finalist in the essay competition, is ‘Society giveth, and society taketh away: that’s how it should be’ by Matt Cawood.

Matt, a former journalist now working in communications, writes evocatively about growing up on a beef cattle farm in Western Australia and childhood visits to north-western NSW. His essay argues that the answer to the question of whether society should determine the right to farm is “a robust yes”, because agriculture is nothing if not a part of society. The argument investigates the nature of liberty, and how issues of the law, animal ethics and natural resources impact the right to farm.

In her research at the Centre for Global Food and Resources Nikki works on projects designed to improve the productivity, profitability and sustainability of vegetable systems in Asia, and her essay defines a farmer’s choice set as being constrained by the attributes of their resources, regulations, market requirements, and social expectations. Regulations stipulate conditions on resource access and use; however, society expects more of farmers (and others) than compliance. Simply complying with regulations is insufficient to ensure the right to farm. Instead, a combination of regulations and society’s expectations must form the boundary of the choice set within which farmers have a right to farm.

Nikki expands on a common theme running through many of the essay entries: that is, as Australian society has become more urbanised, educated and wealthier, expectations of agriculture have changed and social pressures on farming have increased.

Nikki uses the Australian egg industry as a useful case study with which to illustrate dimensions in the debate about the extent to which society should determine the right to farm.

An interesting alternative context is put forward by Ogbe Chukwunonso Daniel (a lawyer from Nigeria with a special interest in wildlife conservation advocacy) in his essay ‘Delimiting the right to farm’.

This essay explores the history of conflict between Nigerian farmers and herdsmen over the grazing of farmlands by cattle. The point is made that farming in Nigeria does not exist in isolation, and that farming will be adversely affected unless there is dispassionate regulation of farmers’ activities by unbiased third parties. On the other hand, farmers must assert their place in the law-making process to ensure that the unique challenges of farming (of which policy-makers may be unaware) are addressed in regulation.

The final essay in this journal is by Marius Cuming, a woolgrower and agribusiness professional from western Victoria. In his submission, ‘Right to farm and its determination: the farming community’s responsibility’, Marius agrees with the proposition that Australian society must determine the right to farm, and states that “any deviation from this is not sustainable in any healthy working democracy”.

This essay postulates that society is willing to reward responsible farmers with powerful advocates for their cause, and that by declaring their love for the Australian landscape and the farmer’s role in its stewardship, these advocates (such as politicians, business leaders and sporting champions) can shore up the special place farmers hold within Australian society.

That same society must determine the right to farm, Marius writes, but farmers must equally be determined to stay genuinely engaged with key decision-makers and influencers within society.

In a functioning democracy, societal expectations of acceptable behaviour should form the basis for the legal rights that we all enjoy. Compared to previous generations however, today’s trust deficit environment (fuelled by social media and citizen science) means that the gradual evolution of societal norms has been turbo-charged into a frenzy of outrage-driven, virtue-signalling policy reaction. The agriculture sector faces disruptive uncertainty around currently enjoyed legal rights unless it moves to intimately understand and participate in this new operating environment.
The right to farm versus the right to choose: society is having the final say

With an increasing gap between city and country and increasing scrutiny of farming, society is already determining the right to farm.

The debate over the right to farm will continue to take place on the ‘should we’ questions: what are the values, what are the ethics, should farmers and the food system be doing what they are doing? Since farmers do not have as much contact with consumers as others in the food system, an openness to the genuine questioning of practices will require a huge mind shift.

Farmers may believe they have a right to farm, but equally the market has a right not to buy their products. If transparency is the key to building trust, maintaining a social licence and overcoming right to farm issues, we need to consider if agriculture is prepared for transparency, which may also require changes to industry or farm practices.

The agriculture sector must upskill producers in engagement and leading with shared values to build trust rather than providing more science and data which, while important, will not win hearts and minds of the general public. It is time to look at a new approach for agriculture and a new way of engaging.
The Australian agricultural industry has long grappled with its right to farm. The agriculture sector as a whole is pushing back against a plethora of issues. Mining companies want access to high value agricultural land, activists do not want animals to be used for any purpose (least of all agriculture), the urban sprawl of cities is pushing into traditional farming lands, and bureaucratic pushes to change legislation or impose regulation can make it harder to farm in the way which best suits farmers.

The experience of these issues, or similar, is making farmers feel marginalised. They are farmers all day, every day for 365 days of the year. They have no control over how much money they make due to the variability of the seasons, and then they are often criticised for how they farm by people who have limited experience of the industry. It is understandable farmers might feel angry, frustrated or even not proud about what they do.

Farmers feel the impacts of an industry that is misunderstood through increases in regulation. Unnecessary regulation affects competitiveness, which then affects profitability. If farmers are not profitable then they are not going to continue farming, which means not feeding people, not contributing to the state’s economy nor supporting rural and regional communities. This trend is not unique to Australia and similar problems are faced in many nations overseas. Farmers’ resourcefulness is to be admired, they tend to put their heads down and get on with the job, rarely complaining or seeking accolades. At the same time, they do not talk enough about what they do. As city dwellers have increasingly outsourced food production, they have become far removed from agriculture and are largely unaware about common farm practices and what is important to the food production system. Incorrect perceptions are compounded by misinformation campaigns on many aspects of food production by activism organisations.

If farmers are not profitable then they are not going to continue farming, which means not feeding people, not contributing to the state’s economy nor supporting rural and regional communities.

With an increasing gap between city and country and increasing scrutiny of farming, it is not a question of whether society should determine the right to farm: society is already determining the right to farm. The agriculture industry needs to realise the major role society is playing, accept that this reality is not going away, and then understand how to work with and take advantage of the situation, if and where possible.

This essay draws on the findings of my Churchill Fellowship report into this topic, published early in 2018 following travel to the US, UK and Canada, and further learnings acquired since its publication. I have had the opportunity to discuss these issues with numerous commodity groups, government representatives and businesses in Australia and to gather a broad overview while chairing a National Farmers’ Federation Committee working to develop a cross-commodity approach to trust in agriculture.

It’s a matter of trust
The right to farm focuses on the ability of farmers to undertake lawful agricultural practices without conflict or interference, but how do farmers obtain that right and maintain it?

At the heart of this issue is farmers’ freedom to operate, defined by the United States Center for Food Integrity (US CFI) as the ability for farmers to do what they do best with minimal outside interference (US CFI, 2017). This is enabled by an industry’s social licence, defined
as the privilege of operating with minimal formalised restrictions based on maintaining public trust. So when the issue is stripped back to its core, the right to farm is tied to social licence and building and maintaining community trust.

Trust is the issue of 2018. It is an issue for churches, finance and banking entities, schools and community organisations — many institutions and industries are grappling with how to build trust, or if they have eroded trust, how to rebuild it. Roy Morgan Australia Chief Executive Officer Michele Levine has said: “trust requires a leadership to embrace and exhibit ethics … not just to plan how to behave, but to believe it. Deeply.” (AICD, 2018).

The CFI’s peer-reviewed model (US CFI, 2017), first published in the December 2009 edition of the journal Rural Sociology (Figure 1), found that an individual’s level of trust is determined by three things:

- Influential others, meaning the opinions of those in two circles — family, friends and social circles as well as credentialled others such as doctors, dietitians or veterinarians.
- Competence, which relates to science and technical capacity.
- Confidence, or the perception of shared values.

After surveying 6000 US consumers over three years, the CFI found shared values are three to five times more important than demonstrated technical ability or science in building trust (US CFI, 2017). Traditionally, Australian agriculture’s approach to building trust has been embedded in science and data; that is, “give people more science and data and they will come to our side of the argument”. But if they do not, we give them more research, more science and the cycle repeats. The equation of ‘science and data’ as the priority has been backwards for years because what consumers really want to know is “can I still count on you to do what is right.”

The debate is not focused on knowledge but rather ‘whether we should be doing what we’re doing’, which is a conversation about values and ethics.

CFI research has found to build trust, the industry needs to lead with shared values. Many consumer questions are based on whether practices are ethically grounded (Figure 2) and so based on values such as compassion, responsibility, respect, fairness and truth (Arnot, 2018). Traditional approaches to building trust have given people information about science and economics to increase their knowledge but have done little to influence how they feel and what they believe. The CFI believes that is where a better connection needs to be made. The debate is not focused on knowledge but rather “whether we should be doing what we’re doing”, which is a conversation about values and ethics.

The US experience is that the ‘shared values’ approach helps farmers respond in a strategic way, rather than visceral (Arnot, 2018). The key lies in giving farmers the tools for that values-based communication and then supporting them in that journey, building their skills and confidence. The CFI observes that the community likes farmers, but they are not sure they like farming or industry. Farmers who become engaged in leading with shared values feel empowered because they are able to be part of the dialogue.

The international context

Internationally, there is significantly more work being undertaken to protect producers’ right to farm through building trust and relationships with non-ag audiences than there is currently in Australia.

Canada has value chain roundtables for all its agricultural commodities, where stakeholders meet regularly to discuss a range of issues such as trade or food safety. Trust in agriculture has been added to these roundtable discussions to keep the issue front of mind for all stakeholders and to chart a way forward in building and maintaining trust.
The right to farm versus the right to choose: society is having the final say

The Canadian Centre for Food Integrity and its partners are pioneering the concept of “the journey to build public trust”. Chair Kim McConnell says it is a long-term project but the framework is simple, describing it as a house with three pillars, two foundations and one roof (Figure 3).

The three pillars are:

1. Do the right thing. This involves all the players along the value chain agreeing what the right thing to do is, and then putting a procedure in place to ensure all participants abide by it.

2. Develop a trusted assurance system. Listen to what the consumer thinks is important and put in place national certifications. Ensure the government, research and academics all fill their roles.

3. Communicate it. Put a communications system in place that involves everybody – individuals, corporations and associations. McConnell says a particular industry talking about how great it is does not have much credibility which is where cross-commodity advocacy organisations fit it well because they speak more on behalf of the industry to the public and all stakeholders and add credibility.

The two foundations are:

1. Transparency.
2. Continuous improvement.

The roof, or hub, is:

1. Learn from one another and provide coordination and support. What lessons can be learnt from other industries? What lessons can the beef industry’s approach to public trust hold for the grains or seafood industries, and vice versa? There are likely to be some similarities and differences that are worth discussing.

McConnell says Canada is striving for a system that says: “we’re efficient, we’re sustainable and we take great care in what we’re doing”. He believes there must be substance to the claim so that farmers can say it with confidence.

In 2018, many of the roundtables have established sub-committees to specifically carry forward actions in building trust. Canada is supporting a National Manager for their trust-building process, who is working between all the industries and organisations to share knowledge and insights into what is working across sectors (Grahn, 2018).

In Australia, the discussion about the importance of food production can often be one-sided and attempted in a very reactive state, such as following an announcement of a policy that is anti-agriculture or launch of a new activism campaign. In contrast, the US Farmers and Ranchers Alliance (USFRA) is focused on fostering a two-way exchange. Former CEO Randy Krotz said one of the USFRA’s most successful initiatives had been to change the language and the tone of the discussion to make it a dialogue instead of a one-way conversation (2017). He described the USFRA’s ‘Conversation Movement’ thus:

“Consumers are having conversations about food production, but the voices of farmers and ranchers are frequently left out of the discussion. By creating a dialogue with consumers, farmers and ranchers have an opportunity to teach consumers about how food is grown and raised. Why is this important? The people producing the food are the most qualified to tell the story. Through engagement and conversation, farmers and ranchers can reach customers with stories and data that illustrate modern agriculture, continuous production and business improvements. In the end, we are all united by our compassion and love of food and land.”

This idea was supported recently by National Farmers’ Federation President Fiona Simson in her address to the National Press Club on 29 August 2018, in
It’s about transparency

The right to farm argument all boils down to trust. Consumers are asking farmers: “can I rely on you to do what is right?”

In his recent book Size matters: why we love to hate big food (2018), Charlie Arnot outlines that the food system – which clearly includes farmers – must bear its share of responsibility for the current lack of consumer trust. For society to be accepting of potential changes that could improve diets, health and sustainability, the food system must be transparent and consistently worthy of trust.

Transparency is no longer optional, it’s now a basic consumer expectation and essential in building trust with those who are sceptical of the motives and practices of the food sector.

Transparency is no longer optional, it’s now a basic consumer expectation and essential in building trust with those who are sceptical of the motives and practices of the food sector (Arnot, 2018). Transparency is the best way for farmers, food companies, restaurants and retailers to demonstrate they share consumer values on important issues like food safety, the impact of diet on health, animal care and protecting the environment. Trust generated by transparency will provide farmers, food companies, restaurants and retailers the social licence needed to succeed in times of both calm and crisis.

According to the US CFI (2017), a commitment to greater transparency includes considering:

- Motivations: acting ethically
- Disclosure: openly sharing good information and bad
- Stakeholder participation: engaging and being responsive
- Relevance: providing information that stakeholders care about
- Clarity: providing information that is easy to understand
- Credibility: a record of operating with integrity
- Accuracy: be truthful, reliable and complete.

Research into the drivers of trust and distrust in Australia support these CFI findings. Trust in 2018 is driven by good customer service, honesty, ethical behaviour/integrity, reliability, transparency, social conscience, quality, long history and customer focus. Distrust is driven by greed, self-interest, putting profits before customers, deceit, and unethical behaviour (AICD, 2018).

Arnot says transparency can be terrifying or liberating, depending on your perspective. Farmers and industry may be in for a rude shock if they hope that no-one will discover what is really going on behind the farm gate. The current era of radical transparency means everyone with a mobile phone can publish video on social media. On the other hand, a commitment to greater transparency to demonstrate shared values with customers and other stakeholders will be rewarded with increased trust, enhanced social licence and freedom to operate.

He warns that farmers and industry must be prepared for one of two things to happen with increased transparency. The non-agricultural community will either have a greater appreciation that practices are consistent with their values and expectations, which reinforces trust, or they will discover practices that are inconsistent with their values and demand change. In either case, transparency drives alignment of community expectations and farming practice.
US CFI conversations about transparency centre on finding out whether people want more information about policies, practices, performance or verification. Practices are a reflection of farmers’ values in action and so interest in farm practices is high. The more transparent farmers are, the more able people are to give them the benefit of the doubt. Arnot says there is always a hesitancy and sometimes farm practice is not pretty, but people understand that and do not expect perfection, they expect authenticity.

Change goes both ways

In developing a culture of trust and transparency between the farm sector and consumers there is real possibility that, even after being open and leading with shared values, an industry might be asked to change its practices. This means a previously legal farm or industry practice is no longer considered socially acceptable. The US CFI notes it is often not a question of whether we can continue a certain practice – the science often says we can – the question is about whether we should. This is a reality that not all Australian industries are planning for or handling well.

Defending an interest or practice is very different to building trust. Defending an interest is lobbying on behalf of members and advocating to politicians. Members of lobbying organisations have an expectation that those organisations will protect their interests against those who would seek to erode them. Recent examples of these issues include live export, genetically modified biotechnology, agricultural chemical use and a raft of animal husbandry practices.

In her National Press Club address, Fiona Simson outlined the need to find balance between production of food and fibre and right to farm issues in which decisions are underpinned by evidence-based science and sensible policy. Referencing the environmental issues which farmers are currently facing, she said that since European settlement farmers had been managing the environment to grow food and fibre. Her observation is that the community is now moving to place some obligations on farmers – some right and true, and some not – to take areas out of production, to lock up land because the community thinks that, for example, trees are more important than grasslands and grazing stock. She compared this with a supermarket being asked to remove three aisles of its offering, which would have a clear impact on profitability. In the same way, locking up land would suddenly impact on what farmers do. So, she argued, if the community values environmental outcomes highly then we need to start putting a price on that and consider compensating farmers in some way.

At the same time though, she said where found lacking the industry should act to improve practices to meet community standards. There is too much to lose if we do not.

However, the reality of what we have to lose may be lost on some corners of the industry itself. For example, the Meat Industry Strategic Plan outlines that the industry faces a $4 billion downside risk if it does not adequately address community and consumer support (Red Meat Advisory Council, 2015). But how widely is this known among red meat producers? For reasons such as this, one of my Churchill Fellowship recommendations (Lush, 2018) was that action to build public trust must be a line in the budget of every organisation with a stake in the continued profitability of the agriculture industry (Figure 4). All industries should fully understand the risks.

Building trust versus defending an interest

Following publication of my Churchill Fellowship, and considering the issues since, it is clear the Australian agriculture industry needs to consider where it engages in building trust. There are three distinct activities – defending an interest or a practice, general outreach / awareness and proactive trust-building strategies – the first two of which I have found are often confused for building trust (Figure 5, over page).

Defending an interest or practice is very different to building trust. Defending an interest is lobbying on behalf of members and advocating to politicians. Members of lobbying organisations have an expectation that those organisations will protect their interests against those who would seek to erode them. Recent examples of these issues include live export, genetically modified biotechnology, agricultural chemical use and a raft of animal husbandry practices.
Outreach and awareness programs represent the middle ground, communicating positive ag messages or providing positive ag experiences. This is being achieved through tactical areas such as social and digital media, presence at public events, training of farmers to engage, use of earned media and influencing those who are driving conversations about food, identified through consumer sentiment research.

These first two areas are where much of the work in Australia is being undertaken. Australia has an extensive lobbying system which advocates to government and other decision-makers when right to farm issues are raised. In addition, Australia has a network of well-funded rural research and development corporations, many of which have outreach programs which promote the sustainable and ethical production of their commodity. These campaigns are separate to the marketing functions of these organisations, which seek to increase consumption of their commodity.

Building trust is a longer term, generational process. Arnot (2018) says building trust embraces the evolution of consumer expectations, access to unlimited information, demand for greater transparency and the growing interest by consumer facing brands. It is proactive, engaging and can encompass whole-of-food systems. When it engages the food system, this means it can leverage funds beyond producer levy money – which is important in Australia given the draw on that funding source (Lush, 2018).

In the US and Canadian experiences, there was extensive activity in all three areas. Both countries have very active farm lobbies defending farmers’ interests. In addition, many of these organisations and groups focused on production have pooled their resources to create outreach and awareness programs and organisations, such as Farm and Food Care, the US Farmers and Ranchers Association and the Animal Agriculture Alliance. Then there were separate efforts focused on building trust, not defending a practice, which contributed to a balanced discussion about food and agriculture and worked to build relationships and understanding, mostly through the US CFI. Those which had pooled their resources recognised that consumers do not distinguish between beef, grain or dairy farmers – all farmers are viewed together as farmers. According to Arnot (2018), building trust requires champions who see the long-term value and understand the return on investment beyond their own organisation.

Regardless of the role each organisation might take, it is important to note there is no ‘either/or’ when it comes to defending an interest, outreach or building trust. All are needed and are valuable. There is so much work to do in building trust that it is a case of ‘every shoulder to the wheel’. The agriculture industry can spend a lot of time rebutting claims of the anti-ag lobby, or it can work together to develop a collaborative strategy that is not ‘us’ versus ‘them’ and seeks to target the silent majority, as outlined in Figure 6 (Lush, 2018). We do need to realise however that each approach is different and generates a different result.
Conclusion

Farmers may believe they have a right to farm, but equally the market has a right not to buy their products (Arnot, 2018). Building trust is about aligning the values of food production with the values of the community, and it may require changes to industry or farm practices.

The debate over the right to farm will continue to take place on the ‘should we’ questions: what are the values, what are the ethics, should farmers and the food system be doing what they are doing? Since farmers do not have as much contact with consumers as others in the food system, an openness to the genuine questioning of their practices requires a huge mind shift. However, it is a mind shift that the industry urgently needs to tackle.

Agriculture as a whole must upskill producers in engagement and leading with shared values to build trust rather than providing more science and data which, while important, will not win hearts and minds of the general public.

Are farmers prepared to be called out by their own industry if practices do not align with community expectations, or if they breach standards that are in alignment with the community? Given the community trusts farmers and can relate to them through a values-based approach, are producers prepared to invest their time and energy in engaging with non-ag audiences about farm practices to protect their freedom to operate?

The industry has spent enough time being caught flat-footed and defending the indefensible. It is time to look at a new approach and a new way of engaging. The sooner we recognise that society is already deciding the right to farm and choose to be part of that conversation, having influence where we can, the better. The alternative is to stay our current course and see where the industry ends up.

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Society giveth, and society taketh away. That’s how it should be.

Should society determine how agriculture is conducted? The answer is a robust ‘yes’, because agriculture is nothing if not a part of society. But getting to that yes requires that we look at the nature of liberty, and at how society is already shaping agriculture with agriculture’s assent.

The nature of progress

I grew up on the coastal sandplain of south-west Western Australia, where surface water quickly soaked into the bottomless sand. When we occasionally travelled east to my mother’s family farm near Moree, I was enthralled with the water there – meaning the farm’s creek.

This creek was everything an Australian creek should be. A never-failing spring-fed trickle meandered between deep clear green waterholes carrying fat golden perch and catfish (with the occasional glimpse of a water-rat), while overhead a riotous population of birds trafficked.

My first encounters with the creek came as the 1970s merged into the 1980s. By the mid-Eighties, the creek had become a different ecosystem. Instead of fishing clear waterholes for yellowbelly, I was using a .22 to shoot sluggish carp in an ever-diminishing stream. Flood years had been followed by drought, but a more lasting phenomenon was also at work. Irrigated agriculture had begun...
diversifying its reliance on water away from rivers and was tapping into groundwater.

As the aquifers were drawn down, the natural springs, the aquifers’ overflow, began to slow. The creek, instead of being spring-fed year-round, was now helping recharge an aquifer. The waterholes clouded and shrank as groundwater was taken up by the pumps of distant irrigation farms.

Today, the creek is barely recognisable as the Australian paradise it was less than four decades ago. It often seems more like a channel for mucky water than the living stream I first encountered.

Over the years, I have profited from Moree’s irrigated agriculture. I’ve worked on cotton farms; for Cotton Australia; for a company that gains significant income from equipment and other suppliers to the sector. I admire the cotton industry’s technological savvy, and wish other sectors were as committed to resource efficiency.

At the same time, I think the loss of the creek disastrous. What, then, is ‘progress’, and who gets to define progression?

When we talk of progress, we tend to weigh the details – technologies, policies, gross domestic product. We think less about the principles that we, as a society, believe should guide progress. And progress without principles may not, in the end, represent progress.

**Rules of engagement**

A farm is a form of territory. That, and the generally solitary nature of the farming business, suits temperaments inclined to independence. Not coincidentally, the farmer class everywhere tends to be politically conservative and resentful of government reaching over the farm boundary to interfere in the running of the farmer’s private kingdom.

Population growth and resource scarcity are now presenting new questions to farmers – questions that society’s structures and the farming community are proving ill-equipped to answer.

Who dictates resource use when, suddenly, everything is scarce? Should the natural world be sacrificed to feed people? Can water, soil and air be commoditised for the economic benefit of a few? Do animals have rights?

True to their tradition and temperament, farmers are resisting checks on their autonomy and enterprise. They say, with clear logic, that they know more about farming and its imperatives than ‘society’, which does its farming in supermarket aisles.

Those who question certain farming methodologies point, also with logic, to matters like agriculture’s undeniably deleterious effects on critically pressured natural environments and society’s general antipathy to the animal cruelty that some forms of farming appear to embrace.

The factions in these debates variously use appeals to science and the emotions to prosecute their cases, or (if the political winds are in their favour) bypass rhetoric and harness politicians’ growing willingness to overtly reward their political tribe with little regard for objectivity.¹

All these strategies pre-existed the 21st century, but they were once devices primarily used to bring parties to a bargaining table. Today, there is less focus on the table and its compromises; more on outright victory.

It is hard to say whether new media platforms are a symptom or a cause of this growing tribalism. What is certain is that these technologies are intentionally designed to manipulate emotions and actions in order to be addictive.

Democracy has always been at best regulated rivalry, but social media is degrading much of the unwritten etiquette that once helped to govern such rivalry, and has provided a backdoor for unfriendly forces to amplify political frictions.

Given these trends, the farm sector must not only consider the liberties it seeks, but how it argues for those liberties. On one hand, there are rights and freedoms agreed to and bestowed by society; on the other, rights gained as the winner of political gaming.

One involves compromise but delivers stability; the other may bypass unpalatable compromises, but depends on the fluky winds of political favour.

A pertinent case-study in the flaws of the political approach lies in the flip-flopping native vegetation laws of NSW and Queensland. Initially implemented by left-leaning governments, the laws over-compensated for

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land-clearing by containing unworkable restrictions against managing regrowth and invasive vegetation – two strong traits of Australia’s hardy inland tree and shrub flora.

A singular achievement of the legislation was to build a deep antipathy to vegetation laws among affected farmers.

In Queensland, when the political compass inevitably swung back towards the right, the laws were watered down to the point that some farmers cleared excessively in the belief that they should get as much done as possible before the next swing to the left.2

In NSW, the adjustment has been more moderate, but it seems inevitable that the return of a left-leaning government will see another tightening of land-clearing legislation.

And so on, to no-one’s great advantage, including the interests of sustainable farming, the environment, and Australian agriculture’s image as an environmental steward.3

The consequences of allowing such public policy to be determined by strength and favour are clear. They are written throughout the history of nations as paralysing inequality, disputes and dysfunction that have kept progress in check.

“Though the parts may embarrass each other, the whole has no bounds; and the only right it acknowledges out of itself, is the right of petitioning,” wrote Thomas Paine of the English Government in 1791.4 If we do not want to slide back towards what Paine considered a despotic system of government, in which powerful interests and lobbyists held sway against the common good, we need to revisit old questions about society’s obligation to the individual, and the individual’s obligations to society, and reformulate new principles.

What is liberty?

The question posed to provoke thought around this essay is essentially: should society be able to dictate how farmers farm? The obvious retort is that if farmers don’t want the rest of society telling them what to do, then they should surrender the right to ask anything of society.

A belief in the sanctity of private property is, in part, the natural response of a farmer who is generally the sole occupant and manager of a patch of land. But it has been given political clout by a sequence of thinkers, starting with Aristotle...

Clearly, agriculture is inextricably interwoven with society, and its culture and economies. Any reasonable discussion of agriculture’s freedoms that does not imagine some divine privilege, Cliven Bundy-style, must pick up the threads of centuries-old thinking about individual freedom and rights.5 No legislatively-bestowed right can be an island, floating free of society’s other decisions about the freedoms it bestows or limits.


Interlinked and interdependent, rights thus together shape the society that bestows them.

“Since the free individual can only maintain his identity within a society/culture of a certain kind, he has to be concerned about the shape of this society/culture as a whole,” wrote Charles Taylor in an analysis of the primacy of rights.6

“He cannot … be concerned purely with his individual choices and the associations formed by such choices to the neglect of the matrix in which such choices can be open or closed, rich or meagre.”

It is unfortunate that the phrase ‘right to farm’ has become a headline phrase to represent farmer indignation at the frictions between agriculture and society. It implies that farmers have some all-encompassing right to do as they like within their boundary fences.

Reason, and the law, suggest otherwise: “The position of a private owner is best understood not as a single right to the exclusive use and control of the object in question, but as a bundle of rights, which may vary from case to case.”7

A belief in the sanctity of private property is, in part, the natural response of a farmer who is generally the sole occupant and manager of a patch of land. But it has been given political clout by a sequence of thinkers, starting with Aristotle, and shaped for modern political purposes by those like influential American political philosopher Milton Friedman,

2 http://www.abc.net.au/news/2017-12-01/ fact-check-queensland-land-clearing- brazilian-rainforest/918396

3 https://theconversation.com/queensland- land-clearing-is-undermining-australias-environmental-progress-54882


7 https://plato.stanford.edu/entries/ property/ An excellent overview of the complexities involved in the concept of private property, starting with Plato.
Society giveth, and society taketh away. That’s how it should be.

who from the mid-1950s was advocating for private property (with minimal government intervention) as the essential building-block of a free and effective society.

“Nobody uses somebody else’s resources as carefully as he uses his own,” Friedman told an interviewer. “So, if you want efficiency and effectiveness, if you want knowledge to be properly utilised, you have to do it through the means of private property.”

Friedman’s ideas still carry weight, particularly with those inclined to libertarian thought, but like all philosophies that are conceived of a particular time and place, his ideas have also been shown to have weaknesses. A Friedman admirer, Herbert Gintis, summarised some of those flaws in his 21st century critique of Friedman’s influential 1962 book, Capitalism and Freedom.9

Among other things, Gintis points out that Friedman’s ‘small government’ ideas failed to account for what Gintis terms “market failures” – as when the use of private property results in environmental pollution.10 And, observes Gintis, “the state has the right to ‘personhood’.11 ‘The state’ represents the society of the day, and society has a right to intervene on anti-social practices.

Farmers, paid-up members of society, need to either accept society’s beliefs, or define and defend their rights to society with enough logic and effectiveness that society grants those rights to the farming community – implicitly, or through the formal mechanisms of the state.

A boundary may be minutely defined by the property surveyor, but every farm’s management has consequences that spread beyond the boundary fence, sometimes, for hundreds or thousands of kilometres.

In reality, this is already happening with such effect that the question of whether society can determine the scope of farming is largely redundant.

Not all problems are created equal

Agriculture’s social frictions can be roughly divided into three tiers of complexity.

The easiest to resolve, because they involve the law and not philosophical questions, are the ‘nuisance lawsuits’ that inspired the original right to farm laws across the United States. These usually relate to new farm neighbours objecting to the smells, sounds and other intrusions on rustic bliss that result from the everyday business of farming.

On the second tier is the question of animal welfare. The farmer who doesn’t care about animal suffering is rare, but they exist, and others are casually cruel through habituation to various practices. This sits uneasily with a population generally unaccustomed to brutality towards animals or humans.

On the top tier of complexity sits the millennia-old question of the responsibilities of ownership in time and space. In time, because one generation of property management can establish the physical conditions under which succeeding generations will farm; in space, because a farm’s boundaries are porous. A boundary may be minutely defined by the property surveyor, but every farm’s management has consequences that spread beyond the boundary fence, sometimes for hundreds or thousands of kilometres.

Each tier poses different questions that require different answers – but all the answers come out of agriculture’s interaction with society.

Right to farm: the law

“It is not uncommon for families and individuals, unfamiliar with the realities of rural life, to find unexpected disturbances when they relocate to the countryside – excess dust, adverse smells, and noise from machinery and livestock are a feature of farming life in many areas,” said Matt Brand, then NSW Farmers CEO.12

Brand was lamenting the NSW Government’s lack of legislation protecting farmers from the ‘nuisance lawsuits’ that arise when those newly arrived in farming country find that farming is incompatible with their view of country life and reach for their lawyers. The legal system is society’s default mechanism for dealing with such issues.

8 https://iplsurvey.com/milton-friedman-private-property-central-to-freedom/
9 http://www.umass.edu/preferentialgintis/Friedman%20Capitalism%20and%20Freedom.docx
10 http://www.umass.edu/preferentialgintis/Friedman%20Capitalism%20and%20Freedom.docx
11 https://e360.yale.edu/features/should-rivers-have-rights-a-growing-movement-says-its-about-time
12 The Land March 2018
All 50 states in the US have enacted right-to-farm laws, which are modifications of the common law doctrine of nuisance. Australia has only relatively recently begun thinking about its own right-to-farm laws. As relative latecomer to widespread frictions between peri-urban development and pre-existing farming practices, Australia has a wealth of precedents to draw from in other Western legal systems.

Australian states can draft right-to-farm legislation at any time: there are no social conflicts impeding them, only a sense of urgency.

The territorial skirmishes covered by right-to-farm laws are an ancient feature of human life, and as such our systems are designed to deal with them. More modern questions require other answers.

**Right to farm: animal ethics**

Since humans began to objectively observe their actions, people have been questioning whether animals should suffer and die for human benefit. Indigenous hunters made rites of thanks to their victims. Many of the West’s formative thinkers have chosen vegetarianism over animal slaughter.

Today’s campaigners against animal cruelty in farming draw on a range of arguments to prosecute their case: not just the rights of animals subjected to farming practices, but also the claimed environmental and human health benefits of vegetarianism and veganism. The proposed solutions to the animal ethics issue also vary, from the cessation of certain practices to the total abandonment of livestock farming.

This is the area of debate most likely to arise around the question of whether society can determine the right to farm. However, society is already making its determinations on the issue, and farming is changing accordingly. This is happening on many levels.

**In the first instance, Australian farmers themselves are representative of a society that is increasingly respectful of animals.**

In the first instance, Australian farmers themselves are representative of a society that is increasingly respectful of animals.

In extensive farming, as with horse-breaking, an old culture of force has given way to gentler methods of animal handling. Some of these changes have been for pragmatic reasons – for example, changes to livestock transport to minimise bruising – but farming is also mirroring societal trends.

A 2018 Meat and Livestock Australia (MLA)-funded study of on-farm sheep welfare found a keen awareness of welfare issues among farmers. “It was clear that our farmers had a strong concern and appreciation for animal welfare and attitudinal beliefs that their actions influenced ewe welfare,” the report observed.

The study noted various methodological areas where welfare could be improved, but for the purposes of this essay, the important factor is that farmer attitudes are in step with those of 21st century Australian society.

Where they are not in step, the market has proven an effective mechanism for changing farming practices.

The wool industry initially resisted the animal activist push against mulesing, but retailers and consumers continue to tell the industry that it does not want wool from mulesed sheep. The effect on the Australian wool clip has so far been modest – only about 10% of wool is from unmulesed sheep, and another 20% from sheep that have been mulesed with pain relief – but there is a clear nationwide trend towards better welfare around mulesing.

Even where the pushback against mulesing has not directly impacted on the clip, it is changing the genetics and physiology of the Merino flock as producers switch toward more plain-bodied sheep to reduce the threat of flystrike.

In intensive agriculture, society’s effect is more pronounced.

Pushed by the market, demand for cage eggs has dropped by 15% over the past decade, and free-range eggs now represent 40% of the egg market. The Australian pork industry now has less than 20% of its sows in gestation stalls and is moving toward a full phase-out of stalls on its way to ‘cruelty-free’ pork production.

These trends represent society at work in agriculture. Producers and their research and development agencies initially developed high-efficiency production systems to stay ahead of the cost-price squeeze. When efficiency measures transgressed consumer ideals about how animals should be treated, the market – prodded by animal activists – became society’s way of signalling to agriculture that it had gone too far.

Concerns that a vegetarian/vegan agenda sitting behind some animal welfare activism...
The process of allowing the market to translate society’s ideas about animal welfare is messy, and far slower and less rigorous about animal rights than champions of these rights would like. But there is no clear alternative, and the data show that in key welfare matters, the market is working.

On other interactions with the non-human world, however, the law and the market are either silent or inadequate. New solutions need to be found.

Right to farm: natural resources

We are in an era in which we humans shape the only planet we have. How do we balance the need to feed our burgeoning numbers with the need to preserve the baseline requirements for healthy people and societies: clean air, water and soils, and robust biodiversity?

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<td>There has been systemic failure to balance the requirements of farming, development and the environment. We are polluting our air to the extent that we change our climate, waging unresolved battles over access to water, diminishing our soil production base, and swiftly destroying our biodiversity. These are not issues for agriculture alone; they are issues for all of society.</td>
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Politics, grappling with its own tribalism and dysfunction, has performed poorly as a means of dealing with heightened tensions around resource use, and the legal system is dependent on enlightened legislation in its role as an avenue of last resort when other attempts to resolve a conflict have failed.

These are also the systems that farmers must use to define their liberties on their own land. In many respects, the systems fail them as they fail the environment. The systems themselves are valuable, but they are designed to manage details. We have not developed a bigger social conception of how Australia should interact with its non-human world.

Modern industrial China is a vast, polluted case study in how an imbalance between economic and environmental development can arc back to damage economic and human health. Having struck that imbalance, the Chinese authorities will not be able to reclaim their environment, despite being able to wield ultimate power in their attempts to do so. Nor will Australia be able to reclaim the waterways, biodiversity, soils and maritime environments that it continues to lose while our attention to detail loses sight of the whole.

It may be time to develop a constitution for the non-human world that informs how our political, legal and market systems interact with it.
Society giveth, and society taketh away. That’s how it should be.

(Note: ‘constitution’ is being used here as a way of suggesting some form of national agreement that shapes the way legislation and law is developed. What form it takes is irrelevant, so long as it works.)

A strong charter would not only protect the natural world from ad-hoc decision-making but also protect landholders from the damaging consequences of poor decisions.

Had such a charter existed 50 years ago, it might be that the creek at Moree would still flow undiminished, while a flourishing irrigated agriculture had spread across the black soil plains using ideas and innovations not currently in existence, because key limitations had not been placed on development.

Importantly, a charter would be drafted by and for society, and set out society’s beliefs to farmers and other land-users. It would leave no room for confusion about agriculture’s ‘social licence’, or about farming’s relationship to society.

Devising such a charter would be an immense undertaking – from the perspective of today’s tribalised society, seemingly an impossible one. Farmers would have to agree with environmentalists and developers and latte-sipping urban mothers.

But the alternative to having society’s larger ideals defined in this way is ceaseless warfare using systems inadequate to decide the outcome of the fight.

Should society determine agricultural practice? It must.

The question posed for this essay, whether society should determine how farmers farm, is thus answered in a clear affirmative.

Only by engaging fully with society can agriculture argue for and claim the liberties it seeks, because it is society that provides the political, legal and market systems that shape the terms of agriculture’s engagement with the human and non-human world.

Agriculture cannot pretend that it is somehow separate from society. Its long-term success and freedom to operate depends on instead on engaging with society as a vital, central, responsible pillar of it.

Matt Cawood

Matt Cawood grew up on a beef cattle farm in Western Australia, and has not strayed far from the land since. He worked for 25 years as a journalist specialising in agriculture and the environment, and now works in communications at the University of New England.

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To what extent should society determine the right to farm?

Farmers, like all other business operators and individuals, are continuously faced with decisions about how to allocate and manage their resources (land, water, capital, labour, etc.) to satisfy their objectives. A farmer’s choice set is constrained by the attributes of their resources, regulations, market requirements, and social expectations. Regulations stipulate (often legal) conditions on resource access and use (Productivity Commission, 2016). But, complying with regulations is insufficient. Society expects more of farmers (and others) than to just comply with regulations (Bowen, 1953). The ongoing acceptance or approval of a farmer’s operations/activities by local stakeholders and the broader community is described as the farmer’s ‘social licence to operate’ (Joyce & Thomson, 2000; Thomson & Boutilier, 2011). Society’s expectations can therefore add additional constraints on farmers’ choice sets (if farmers intend to meet/exceed these expectations) and encourage compliance with regulations. Consequently, it is the combination of these social expectations and regulations shaping farmers’ choice sets that defines the operating environment within which farmers have the ‘right to farm’. Any restrictions or easing of constraints on farmers’ choice sets will have implications for net social welfare. As such, any debate about whether society should (or the extent to which society should) determine the right to farm and how society can do this must clearly differentiate between social expectations, consumer preferences and the need for regulation (and recognise the influence of interest groups in the regulatory process).
A farmer’s choice set

Often forgotten in the debate about the extent to which society should determine the right to farm are the existing rights and responsibilities of farmers and society. In the absence of additional regulations or constraints, the manner in which a farmer may use resources depends on the property rights governing them. Property rights include ownership and use rights in a resource (Macintosh & Denniss, 2004). A private property right may include the right for the farmer to use land (for example) for agricultural production or to build infrastructure on the land. Responsibilities may include using the resource in a specified way or refraining from activities or practices that interfere with the activities or enjoyment of others (Macintosh & Denniss, 2004).

The resources in which a farmer has a private property right, combined with the attributes of these resources, e.g. the soil type of the land, the amount of land, and the land use history plus other inputs to production (labour, water, capital, etc.) create a production choice set (outer boundary of Figure 1). Within this choice set, lie all of a farmer’s possible resource allocation alternatives. Society imposes constraints on this choice set through regulations and social expectations/social pressures. Choices that satisfy both regulations and social expectations define the choice set within which farmers have the right to farm. However, it is likely that a farmer will make resource allocation decisions that are profitable (e.g. Janis & Mann, 1977; Makeham & Malcolm, 1993; Pannell et al., 2006). Further, farmers often make trade-offs between short and long-term profitability. For example a farmer may sacrifice short-term profitability by making investments in new technologies or adopting higher cost production practices if they expect that those changes will deliver profitability in the longer term from either productivity growth, compliance with community expectations, or improved resource condition. The profitability constraint further reduces the feasible choice set to the intersection of what is profitable, socially acceptable and compliant with regulations (shaded area of Figure 1).

Society imposes constraints on this choice set through regulations and social expectations/social pressures. Choices that satisfy both regulations and social expectations define the choice set within which farmers have the right to farm. Farmers’ choice sets are not static. The size and shape of the ‘socially acceptable’, ‘legal/within regulations’ and ‘profitable’ choice sets (Figure 1) and the degree of overlap can change through time. Changes to the ‘socially acceptable’ choice set will reflect changing societal expectations and consumer preferences. Indeed, there is an emerging perception that society’s expectations of farmers are increasingly at odds with farmers’ activities (Lockie, 2015). This perceived disconnect between society’s expectations and farmers’ actions is fuelling a growing concern that the choice set within which farmers have the right to farm is shrinking. Changes to the ‘socially acceptable’ choice set, if they occur (or are occurring), do not occur in isolation. As social expectations shift they may induce regulatory change and/or changes to the ‘profitable’ choice set. The size of the profitable choice set may change if the failure to meet social expectations results in a loss of market share and/or ongoing disputes with communities (with potential for significant financial and reputation costs to farmers and/or the agricultural industry). Alternatively, farmers that meet or exceed all current social expectations and consumer preferences may improve their market access/share and/or create additional opportunities for

Figure 1: A farmer’s production choice set with regulatory and social constraints. A farmer’s feasible choice set is shaded in grey. Note: The overlap of circles is for demonstration purposes only, the scale and scope of overlap will differ between applications and scenarios within applications.
themselves, thus increasing the size of their feasible choice set.

Government intervention

Governments (acting on behalf of society) intervene in markets/industries using regulations and other policy tools to ensure behaviours and outcomes reflect current social expectations (Rostow, 1959), to transition society along new development paths, or correct market failures. Regulations used in the agricultural industry restrict or set minimum standards on farmers’ land use, use of natural resources, access to and use of technologies and chemicals. Regulations are also used to manage risks associated with the entry of, establishment and spread of pests, diseases and weeds that can threaten agricultural industries and environmental and human health (Productivity Commission, 2016). Food production practices and food labelling are also regulated to ensure food products are safe to consume and consumers are able to make informed decisions about food products to purchase and consume. The type of policy or regulation implemented in different scenarios will depend on the problem faced as well as the costs of implementation and cost effectiveness of different policy alternatives in achieving the desired outcome.

Regardless of the issue or the motivation to implement regulations in the agricultural industry, the regulations affect farmers’ choice sets. The decision to implement regulations rests on the question: should farmers be allowed to harm society and the environment (through, for example, the unchecked use of chemicals, land clearing, emission of pollutants or poor animal welfare practices) for their private gain or should society be allowed to harm the farmer by shrinking their feasible choice set? Society’s goal should be to maximise social welfare. This is easier said than done. Interest groups, advocating either for fewer (e.g. farm lobby groups) or stricter (e.g. environmental lobby groups) regulations on farmers’ actions may have varying levels of power to influence this situation (Laffont & Tirole, 1991; Stigler, 1971). Rather than the views of interest groups, any decision to relax or further constrain farmers’ choice sets through policies or regulations should be based on the net social benefit of any regulatory change and the distribution of benefits/costs associated with the change. If the best available science shows that a certain set of farmers’ actions may generate serious harm, e.g., irreversible ecological damage or serious public health consequences (Bromley, 1978) then it may be necessary, and important, that government, acting on behalf of society, intervenes and creates/enforces regulations which consequently determine the operating environment in which farmers have the right to farm.

Society’s expectations and consumer preferences

In addition to complying with regulations, society expects that all businesses will act responsibly and legitimately. The social responsibility of a business/businessperson is to ‘make those decisions, or to follow those lines of action which are desirable in terms of the objectives and values of our society’ (Bowen, 1953, page 6). While legitimacy refers to a perception that the actions of a business are ‘desirable, proper, or appropriate within some socially constructed system of norms, values, beliefs, and definitions’ (Suchman, 1995, page 574). The social expectation of farmers therefore is that they will act in accordance with the community’s current values and beliefs or ‘societal norm’. As values and beliefs change through time, so do society’s expectations of farmers. The implication of this is that farmers’ actions or behaviours considered acceptable in the past may not be so widely accepted today.

Two key factors influencing expectations and thus influencing the extent to which society determines the right to farm are: i) information/exposure and ii) income. Additional or new information about farmers’ practices can have a significant impact on expectations. As the ongoing rural-urban migration has continued (e.g. Hugo, 2002) a decreasing proportion of the population are directly involved in on-farm activities (Australian Bureau of Statistics, 1988, 2017a). A poll conducted by the Australian National Farmers’ Federation (2017) found that 83 percent of Australians described their connection with farming as ‘distant’ or ‘non-existent’. While time-series analyses are not available, a direct correlation with the rural-urban migration and connectivity with agriculture as experienced in other countries could be expected for Australia.

The implication of society’s decreased connectivity with agriculture may be that society’s understanding of agricultural practices draws more on what is presented in childhood stories
and media representations than on empirical evidence (Packwood Freeman, 2009; Singer, 1990). Following this, the expectations that society holds or expresses with respect to the agricultural industry may be unrealistic. However, greater disconnect between society and agriculture, alone, is not reason to dismiss society’s expectations as unreasonable. Alongside a growing reliance on second-hand information to shape the average Australian’s views of agriculture, Australian’s have become more (formally) educated (Australian Bureau of Statistics, 2017b). Education generally, though maybe not specific to agriculture, helps people to interpret the world around them, make decisions and distinguish true from false. Members of society will use credible information to make decisions about whether farmers’ actions or behaviours meet their expectations and revise these decision through time. They will also dismiss information that lacks credibility. For example, Buddle et al. (2018), found Australian meat consumers’ dismiss some content on social media from animal welfare activists if the content that is posted or the person/group posting it lacks credibility.

Members of society will use credible information to make decisions about whether farmers’ actions or behaviours meet their expectations and revise these decision through time. They will also dismiss information that lacks credibility.

A second factor driving changes in expectations through time is disposable incomes. In general, Australian household incomes are growing relative to the price of food, and the real costs associated with food expenditure as a percentage of income after tax has fallen from approximately 12 percent in 1964–65 to 7 percent in 2014–15 (Hogan, 2017). Consequently, consumers are potentially in a position to pay more for foods with certain ‘additional’ attributes that impact on farming practices including: food quality, food safety, production practices, animal welfare outcomes, and environmental outcomes.

A greater willingness/capacity to pay for foods with certain attributes allows consumers greater freedom to purchase foods that are produced in line with their expectations. A greater willingness/capacity to pay for foods with certain attributes may be expressed through consumer preferences. A consumer will prefer a food product over another because of their tastes or their capacity to derive utility (welfare) from it. A number of factors influence a consumer’s preferences. Physical attributes of food products, e.g. size and colour, as well as credence attributes (attributes that cannot be observed but have perceived value), e.g. origin and production method; as well as consumers’ characteristics (e.g. income, age, education level) affect food preferences. It is important to note that consumer preferences do not always reflect society’s expectations. Consumer preferences are subjective and individual-specific. The various drivers of, and individual differences in, consumers’ preferences for different foods demonstrates that there is not one widely held set of preferences for foods and farmers’ production systems or activities used to produce foods. Indeed, the aggregation of individual preferences and expectations to arrive at society’s expectations of a particular industry/activity/business is a task that social scientists have long struggled with (Sen, 2017). The following section will illustrate this point and the interaction of different societal influences on the agricultural industry with the use of an example. The example also highlights the different roles of consumer preferences, social expectations and regulations in determining the right to farm. In addition, the example is included to demonstrate that society already determines the right to farm and should continue to do so when motivated by the pursuit of maximum social welfare – not maximum welfare of farmers or other groups within society.

Case Study: Eggs

Eggs produced and available in grocery stores across Australia are typically divided into four categories: ‘cage’, ‘free range’, ‘barn laid’ (sometimes labelled as ‘cage free’) and ‘specialty’ e.g. organic. A consumer’s decision about which eggs to buy will depend on the alternatives available, their preferences and their budget constraint. A farmer’s decision about which type of eggs to produce will be limited to the feasible choice set, i.e. those production systems that are compliant with regulations, are ‘socially acceptable’ and profitable (i.e. shaded area of Figure 1).

Free range and cage eggs are the two most important in terms of market share, combined they represent more than 90 percent of egg sales in the Australian grocery market (Australian Eggs, 2017). For simplicity the discussion is limited to these two production systems.

As of 2018, the Australian Consumer Law (Free Range Egg Labelling) Information Standard 2017 (Cth), defined ‘free range eggs’ as eggs laid by hens that have ‘meaningful and regular access’ to the outdoors and the ability to ‘roam and forage’ outdoors. In addition, the information standard defines the maximum stocking density of free range hens as 10,000 hens per hectare or, one hen per square metre. A farmer operating this production system must comply with the information
To what extent should society determine the right to farm?

‘Cage eggs’ are produced by hens housed in cages within a shed. A farmer operating this production system needs to comply with the minimum standards for housing hens in cages in Australia, outlined in the Australian Model Code of Practice for the Welfare of Animals: Domestic Poultry (4th ed.) prepared by the Primary Industries Standing Committee (2002) and any other conditions outlined in locally relevant legislation and regulations. Guidelines include the minimum acceptable stocking density and dimensions and materials used to build cages (Primary Industries Standing Committee, 2002). Beyond the legal requirements and industry standards a farmer operating this production system is also subject to increasing social pressure stemming from concern for the welfare of hens kept in cages.

From 2004–05 to 2016–17, the volume of egg sales at major supermarkets grew from 67.5 to 218.4 million dozen, and the real farmgate equivalent value of the egg industry grew from $361.4 to $739.4 million per annum (Australian Egg Corporation Ltd, 2006; Australian Eggs, 2017). In 2004 the market share of cage eggs in the grocery/retail market in Australia was 75.2 percent of volume (Australian Egg Corporation Ltd, 2005) and in the space of 12 years it had fallen to 48.9 percent of volume in 2016 (Figure 2; Australian Eggs, 2017). Much of this contraction in market share for cage eggs has been replaced by free range eggs. In the same time-period the share of free range eggs grew from 14.5 percent to 41.3 percent by volume (Figure 2; Australian Egg Corporation Ltd, 2005; Australian Eggs, 2017).

Some combination of changing expectations for animal welfare outcomes (driven by new/different information or changes in income) as well as consumer preferences appear to be influencing the market for eggs (however, it is not possible to say what this mix is without additional data). For example, preferences for free range eggs among Australian consumers have been found to be associated with perceptions of the health and nutritional value of the eggs (Bray & Ankeny, 2017; Rolfe, 1999). Attributes such as taste and colour of the eggs as well as perceptions that free range hens have better diets that may be ‘more natural’ because the hen is outside have been nominated as reasons for purchasing free range eggs over other types of eggs (Bray & Ankeny, 2017). So, preferences for free range eggs may not necessarily depend on the idea that the hens are free range but because the eggs taste better and are perceived to be more nutritious. Demand for free range eggs is also price dependent (Rolfe, 1999) and as such the purchase of free range eggs is more common among sectors of the community with higher income.

A study led by CSIRO exploring the relationship between the egg industry and the Australian community was conducted in 2018 is ongoing. More information: https://research.csiro.au/eggs/
To what extent should society determine the right to farm?

disposable incomes (e.g. Rolfe, 1999; Bejaei et al., 2011). It is not surprising that income is an important factor given free range eggs currently sell for more than $2 per dozen more than cage eggs: the average nominal retail price of eggs in the Australian grocery market for the year ending June 2016 was $3.24 per dozen for cage and $5.40 per dozen for free range (Australian Egg Corporation Ltd, 2017).

To date regulations have been the main instrument used to influence farmers’ behaviours in relation to issues such as farm animal welfare (Bennett, 1997). For example, regulations have been used to set the minimum standards for the care of hens in egg production systems. However, regulations tend to lag behind the ever-moving target of society’s animal welfare objectives (Grethe, 2017). There are calls from sectors of the community to tighten regulations and ban the use of cages to house layer hens. Motivation for this is a perceived disconnect between farmers practices and community expectations. The call to ban cages is coming from animal welfare activists groups such as Animals Australia² and the RSPCA,³ as well as individuals. Interest groups such as these can exert influence over the policies and regulations created (Laffont & Tirole, 1991; Stigler, 1971). So, why have we not yet seen regulation against the use of cages to house layer hens?

Let us think about what would happen if regulations were to stop cage egg production. Farmers currently supplying cage eggs, approximately 50 percent of the domestic egg market (Australian Eggs, 2017), would need to shift to a different production system, e.g. free range or stop producing eggs. The result would be the removal of the cheapest eggs in the market in Australia. Remember caged eggs retailed at an average price $3.24 per dozen in 2016, which was about $2 less than the next cheapest option (Australian Egg Corporation Ltd, 2017). Despite general increases in the affordability of food across Australia, households in the lowest income quartile are spending 20 percent of their disposable income on food, double that of the average household (Australian Bureau of Statistics, 2017b, 2017c). These households may well be faced with a choice: buy less eggs or reduce expenditures on other food types/consumption goods to accommodate this increase in egg price. Thus, regulatory changes can have widespread and potentially undesirable impacts for society. This was the case in California. Regulatory changes to increase the space afforded to hens housed in cages in the Californian egg industry in 2015 had negative consequences for both Californian egg producers and consumers, especially in the short term (Mullally & Lusk, 2018). For example, Californian egg production declined by approximately one-third within a two year period leading up to the introduction of the new regulations and in the months following the implementation of the regulatory change (Mullally & Lusk, 2018). Californian consumers’ paid about 22 percent more per dozen eggs from the introduction of the regulatory change in January 2015 to September 2016 (the end of Mullally and Lusk’s study horizon), resulting in social welfare losses. Mullally and Lusk (2018) also estimated that welfare losses would continue in the order of US$25 million per annum in coming years as a result of the regulatory change.

The decision to implement new regulations in the Australian egg industry must be founded on net social welfare outcomes. If regulatory change is to be introduced then the social welfare gains must be sufficient to outweigh the costs to any groups within society (e.g. egg producers and consumers) and the costs of implementing the regulation. If regulations are not introduced, society will, and should be free to, exert influence on farmers’ actions through their egg purchase decisions.

Conclusion

A combination of regulations and society’s expectations form the boundary of the choice set within which farmers have a right to farm. As Australian society has become more urbanised, educated and wealthier, expectations of agriculture have changed. The impact of this has been an increasing, or perceived increasing, influence of society’s expectations and social pressures on farmers’ right to farm. The Australian egg industry has been a useful case study with which to illustrate dimensions in the debate about the extent to which society should determine the right to farm. Many of the points raised in this context are applicable to other industries or examples. However, the extent that society should determine the right to farm and how society should assert influence (e.g. through regulations or social pressure) differs in different scenarios.

Regulations and other methods are used by governments to intervene as Australian society has become more urbanised, educated and wealthier, expectations of agriculture have changed. The impact of this has been an increasing, or perceived increasing, influence of society’s expectations and social pressures on farmers’ right to farm.

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² See Animals Australia campaign here: [https://secure.animalsaustralia.org/take_action/battery-cage/](https://secure.animalsaustralia.org/take_action/battery-cage/)

in markets/industries to restrict farmers’ choice sets. This should continue and be encouraged when the benefit (of the regulation) to society as a whole far outweighs the costs of the change, e.g. prevents irreversible damage, limits impacts of farmers actions on third parties, and/or leads to, for example, improved ecological or health outcomes. In addition society’s expectations and social pressures should be employed to encourage compliance with these regulations, on-farm and wherever else relevant, e.g. in the supply chain upstream and downstream of the farm. The use of consumer preferences to understand society’s expectations of agriculture and then to guide regulation is to be cautioned. Consumer preferences are a reflection of a number of factors, and can be expressed more readily by certain sectors of the community (e.g. high income groups), and as a result should not be used to reflect a stance on an issue that may be attracting attention or calls for regulation. This is not to say that consumer preferences have no impact on farmers’ actions. Failure to meet social expectations can result in profitability consequences for farmers and/or the agricultural industry.

Ultimately, society should continue to make changes to farmers’ choice sets through expectations and regulations but only regulate when the result of the regulation is in the best interest of society as a whole and when regulation is a cost effective option to achieve the desired outcome.

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To what extent should society determine the right to farm?


Nikki Dumbrell

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Delimiting the right to farm through the instrumentality of the law

Nigeria has been in the news on the negative side of late, owing to the violent clashes that erupt occasionally between farmers who eke out a living in cultivating arable farmlands on the one hand; and pastoralist herdsmen who breed cattle within the territorial confines of Nigeria on the other hand. The incessant conflicts between Nigerian farmers and herdsmen, emanating from the grazing of farmlands by cattle, is an instance of the numerous factors responsible for the persistent questions on whether farmers should be granted the prerogative of determining how they are to carry out their farming business; or whether farming should be regulated by third party policy-makers who may not necessarily be farmers. Although it is believed that the right to farm is that which should be exercised and enjoyed by anybody who is legally empowered to use a given parcel of land for farming; actually the right to farm can be best enjoyed, when farmers are compelled through the instrumentality of the law to recognise the fact that the right to farm must be enjoyed while putting into consideration the need for the rights and interests of stakeholders in other non-farming sectors of a given economy to be protected.


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Balancing economic needs

Allowing farmers to be the sole determinants of the manner in which farming is to be carried out will adversely affect farming in the long run. If an economy of a State is weak, the increase in number of poor persons who are the products of the State’s dilapidated economy will give rise to a decrease in the patronage of farm products by citizens of the concerned society. Accordingly, if farmers are allowed to determine how farming is to be carried out without any form of regulation by the State, especially with regard to the acquisition and use of land by entrepreneurs for productive ventures; this will most likely give rise to a situation whereby many farmers will make it difficult for stakeholders in non-farming sectors of the economy to acquire land for the purpose of producing goods and services.

The scenario painted above, on the tendency of farmers to make the acquisition of land difficult for entrepreneurs who may be in need of the same, was one of the reasons behind the abolition of radical ownership of land by private citizens in Nigeria with the enactment of a law known as the Land Use Act by the Nigerian Government.2

The political imperative

The complex nature of some States, in which conflicting agricultural practices among people of divergent ethnic and racial origins is common, has made it imperative that policy-makers who may not be farmers are to determine how farming is to be carried out. In the traditional Nigerian society, the Fulani tribesmen who are predominantly pastoralists breed their cattle by means of grazing of farmlands, prior to the emergence of the present-day Nigerian nation. Moreover, an average Fulani tribesman believes that land belongs to God and that no man can claim the prerogative of determining who should make use of land at any given point in time, and for what purpose.3 The amalgamation of the various tribes that make up Nigeria into a single nation has consequently given rise to a situation whereby pastoralists who are of Fulani origin, demand that farmers of other tribes (who interestingly recognise individual and communal ownership of land) should allow the cattle of Fulani herdsmen graze on the farmland of non-Fulani farmers.

Will it be right for the government to empower the farmers of the lands where Fulani pastoralist seek to feed their cattle, determine how the Fulani herdsmen are to do that? The answer is in the negative as there has to be a uniform set of rules to guide how cattle rearing will be carried out in farmlands in Nigeria, lest rules may be set at the whims and caprices of farmers of the divergent tribes that make up Nigeria and which will adversely affect cattle breeding in Nigeria on the long run. Will it also be right for the government of the day in Nigeria to fold her arms and watch the cattle of Fulani tribesmen destroy the farm products of farmers in the course of grazing of the cattle of Fulani tribesmen on farmlands, thereby denying such farmers their means of livelihood? The answer is definitely in the negative and thus calls for the government to make laws that will ensure that the right of farmers in Nigeria is protected, while at the same time fashioning out means through which cattle breeders can embark on grazing of farmlands without inflicting harm on farm products of farmers.

What should be done while making any policy that will affect farmers and other interested stakeholders in land, is that any policy to be made which has bearing on land must be done with farmers – and all other relevant parties to be affected – involved in the policy process as stakeholders. If, for instance, a law is to be enacted by lawmakers that will regulate farming, the inputs of farmers must be sought before being passed into law by the lawmakers.

When an economy of a State does not thrive well, such as will happen when production of goods and services is hampered by paucity of lands hijacked by farmers, farmers will also encounter difficulty in accessing equipment and facilities needed to make their job more successful.

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The exercise of authority requires objectivity

Any activity carried out without regulation by a dispassionate third party is bound to give rise to lawlessness, inclusive of farming. It is in the nature of man to abuse privileges and positions of authority. This is the reason why we have checks and balances in government. Could you imagine what it would be like for a powerful landowner to embark on poultry business in a residential community inhabited mainly by poor people? There is a great likelihood that the influential farmer will carry out his poultry farming business in a manner that will constitute nuisance to his neighbours, who may lack the resources to take out legal action against the offending farmer. Thus, it will not be wrong for lawmakers who may not have any knowledge of agriculture to make laws and rules that will ensure that farming business is not carried out in a manner that will infringe on the civil rights of other members of the society. This feat of making dispassionate laws that will regulate farming can be better achieved when non-farmers execute that task.

When farmers are allowed to determine how their farming business is to be carried out, there is a greater likelihood of unjust and inhumane practices being perpetrated. Human beings are greatly influenced by the environment in which they live. It is no news that the malaise of subjugation which gives rise to bonded labour is part of the history of a nation like India, in which labourers are paid meagre amount of money for rendering monumental services to their hirers. If we are to suggest that how farming is to be carried out should be determined solely by farmers, then practices like bonded labour and forced labour in farming will not be challenged effectively, as many members of the society wherein such practices thrive benefit from them.4 However, the law has to step in to checkmate some inhumane practices carried out in the course of farming, to ensure that the inherent dignity of the people who are supposed to be the beneficiaries of the business of farming is not trampled upon while farming is carried out. This objective can be better achieved when those who are not farmers – and who it is envisaged will act in a dispassionate manner – are to determine the rules to be laid down in ensuring the right to human dignity.

Trade and taxation

The sale of farm products is no longer restricted to the territorial confines where they are produced, and the observance by farmers of policies made by non-farmers may be needed in order to have farm products accepted in environments different to those where they were produced. In a world that long ago become a global village, the end products of farming find themselves in territories far away from where they were produced. International trade is the order of the day and a proactive farmer is expected to take steps to see to it that farming business is carried out in a manner that complies with international best practices and rules of international law.

Farming can also thrive better when performed in a mechanised way, which requires that policies for furthering mechanised forms of farming – made by non-farmers – are respected. Scientists and technologists play vital roles in ensuring that mechanised equipment is built for the purpose of making farming easier and more productive. It would be selfish for farmers to benefit from the innovations of technologists and scientists in making their profession easier, while at the same time opposing policies intended to help ensure that scientific and technological innovations are not stifled.


that will generate revenue for the government. These rules making the payment of tax by farmers (and other members of a given society who are not farmers) mandatory may not necessarily be made by farmers, as tax policy is usually shouldered by government officials who are experts in the field. When there are enough funds in the purse of the government generated from tax paid by farmers, the government will have enough financial resources needed for the promotion of scientific and technological innovations which will in the long run help in the development of farming improvements.

Farming is a means to an end, and the wellbeing of humans who are to benefit from farming should be accorded primary attention.

Most importantly, the bulk of the tax paid by farmers should be channelled towards the provision of facilities and services that will have direct positive impact on farmers. For instance, the majority of the tax paid by farmers could be used in training unskilled farmers for the acquisition of knowledge needed to make farming easier and more profitable.

**Conclusion**

It could be seen thus far that farming does not exist in isolation. The successful execution of farming activities will be adversely affected when there is no dispassionate regulation of the activities of farmers by unbiased and disinterested third parties. Farming is a means to an end, and the wellbeing of humans who are to benefit from farming should be accorded primary attention. Moreover, farmers, should project themselves as relevant stakeholders in the law-making processes that have bearing on their profession, in order to ensure that the challenges encountered in the course of farming which may not come to the knowledge of policy-makers who are not farmers are addressed. With this line of action in place, our world will be a better place where the growth of farming will not be stifled.

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Right to farm and
its determination:
the farming community’s
responsibility

As a farmer, a communicator and someone employed by an agricultural service provider, the statement for this year’s essay challenged me from the moment I considered it. After all, if society didn’t determine the right to farm (defined as “legitimate and lawful agriculture practice without conflict of interference”

Could a primary producer’s right to farm be determined or even governed by farming businesses themselves?

Alternatively, is it the role of government to determine the right to farm, or perhaps the legal system? Maybe it should be determined by key stakeholders, including those who work to end certain farming practices.

All these alternate options when considered independently do not make sense, given each group plays their own part in making up our diverse and functioning society; the definition of society being “an aggregate of people living together in a more or less ordered community”. For the purpose of this essay, I will be assuming the term society refers to Australian society.

1 Definition of right to farm, Australian Farm Institute, John Ralph Essay subject outline http://www.farminstitute.org.au/news-and-events/upcoming-events/JR-EssayCompetition2018

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In a global context, Australia is a wealthy, modern, free and wonderfully diverse society. One fact that unites all Australians – and indeed all humans – is our necessity to eat and be clothed. Given this, surely every Australian is in one way or another a stakeholder in a discussion about how food and fibre is produced in their own country.

My point of view on the topic at hand is therefore straightforward: Australian society must determine the right to farm. Any deviation from this is not sustainable in any healthy working democracy, let alone a well-fed, affluent society armed with smartphones, endless social media platforms and governed by hung parliaments.

The importance of public trust associated with legitimate activity is very clear when one considers the political tightrope walked by the live export industry, the 2016 NSW greyhound racing industry ban and subsequent reversal and the current public debate over the widely used and relied-on herbicide glyphosate.

Society must not only determine an industry’s right to exist but be adequately involved with its function.

Naturally the next question in this progression is: how does Australian agriculture maintain its right to farm? How can it not only defend its social licence to operate but also build and strengthen it in a world where many consumers (and the entire supply chain before them) seek – and in many cases, demand – greater transparency and traceability?

To predict and influence any future determination of the right to farm, it pays to look over our shoulder to see where Australian society has come from, history often being a guide and providing the context for discussion.

Having socially, demographically and economically evolved rapidly in recent decades, Australia is now one of the more urbanised populations on earth with only 10.45% of Australians living in rural areas. It is rare for Australians to look over their back fence and see a tractor at work, a line of cows walking to be milked or even a neighbour’s fruit trees in a suburban backyard. The Australian economy is certainly no longer riding on the sheep’s back.

The simple reality is that Australians increasingly have an urban outlook from their window of the world. Directly related to this are the increasing economies of scale and diminishing terms of trade dictating the businesses of Australian farmers. Agriculture’s relentless and successful drive for ever-increasing productivity gains and greater automation has led to fewer people directly involved with primary production. A stark reminder is easily seen when driving through any grain-producing region with small towns characterised by their generously wide but empty streets, vacant buildings, towering silos and closed schools, which are generally outshone by the local machinery dealer displaying enormous combine harvesters, air seeders and boomsprayers with their ever-increasing wingspans.

One farming family now can manage a cropping operation many times larger than their grandparents could have imagined, with the labour efficiency target for most farm business owners with grain enterprises now at more than 1500 hectares of crop per labour unit.

To make a living, farmers have always had to do more with less.

This increased productivity and automation has both direct and indirect consequences: not only has the geographical distance between farmer and consumer widened but the conceptual distance has also increased.

Australia’s highly successful migration policies since World War Two have been outshone by the distance has also increased.

3 Australia-emergence of a modern nation built on diversity and a ‘fair go’ Dr Sev Ozstowski, Western Sydney University https://www.westernsydney.edu.au/ equity_diversity/equity_and_diversity/ tools_and_resources/reportsandpubs/ australia_emergence_of_a_modern_nation_built_on_diversity_and_fair_go
5 ABC online: Australia rode on the sheep’s back http://education.abc.net.au/home#!/ media/104804/using-language-to-describe-being-australian
8 ABARES agricultural productivity estimates http://www.agriculture.gov.au/ abares/research-topics/productivity/agricultural-productivity-estimates#cropping
War II have also fed into this disconnect. While many post-war migrants had agricultural ties in their home countries, the opportunities in their newly adopted nation often lay in the cities and this is where their children grew up, this became their Australian story. While the property-owning democracy of post-war Australia often involved a quarter-acre block with a few fruit trees and a well-loved vegetable garden may have been the joyful reality for many migrants, their grandchildren are now more likely to be faced with low housing affordability. Fruit trees, indeed any hint of domestic agriculture, are for most a distant memory.  

The natural consequence of this urbanisation is why the very topic of right to farm is now an issue worthy of much consideration by those passionate about agriculture. This lack of understanding about farming has led us to the somewhat defensive, almost stubborn term ‘right to farm’ or the somewhat permissive and closely related ‘social licence to operate’. In addition, the empathy Australian society has for farmers is at times under attack from those looking to influence society towards their ideals via a battleground of influence that includes education, government, legal powers, media and social media.

“Animals are not ours to eat, wear, be entertained by, research, play with or abuse in any other way,” is the common cry from activists in animal rights movements who naturally aim to skew the opinion of society towards their ideals.

The influence of those within society with a fundamental objection to animal agriculture now seems to be ever-present. Animal Liberation Australia founder Christine Townsend, who protested more than 30 years ago against the use of animals in agriculture, must be proud that Australia is now the third-fastest growing vegan market in the world, with a packaged vegan food market worth $136 million annually.  

Over the past decade campaigns against farrowing crates, caged hens, and added hormones in beef have helped change the product range and marketing of some of the biggest retailers in the country.11 Retailers, more than any other member of the supply chain, have more at stake when issues surface and hence the advent some years ago of corporate social responsibility and ethical sourcing departments within large corporations.

Activists claim their actions are in the public or society’s interest, while farmers claim a right to operate a legal business. It is important to note that campaigns against sow stalls and caged hens have often involved activists obtaining footage without the permission of the farmer.

The recent move to protect the right of the farmer to deny access has been tested with a NSW Parliamentary inquiry into farm surveillance.12 Activists claim their actions are in the public or society’s interest, while farmers claim a right to operate a legal business; hence the balance between a farmer’s legal right versus social privilege that sits at the heart of our topic.

Perhaps the most poignant case of society determining a right to farm is that of the live export industry, where some suggest the social licence is perhaps no longer granted by Australian society.13 Is the live export of animals still accepted by Australian society? It is still a legitimate business according to law; however, we have seen the Australian Government, the ultimate representation of Australian society, not only question the social privilege the industry enjoys but remove the legal right of at least one exporter and through the McCarthy report place greater restrictions on the trade.14 With country MP Sussan Ley’s private member’s bill to ban the trade already written, the future of the live export trade can only be described as hanging by a thread. Defending the right of the trade to exist based on employment, production and economics does not appear sufficient to secure the trade’s future as it currently stands.

Protests against the live export trade are not new, in fact they were seen over three decades ago. Back then the threat these stakeholders posed did not appear strong, but now the calls to ban legitimate practices are coming from the mainstream. Fuelled by social media and digital petitions sent directly to Ministers’ offices, it is fair to assume there will be an increase in scrutiny from a well-fed, well-clothed Australian public.

Animal rights are not a high priority in Yemen or Syria right now, where people sadly do not have the luxury to care about the welfare of animals.

10 Vegan movement: Live Kindly: https://www.livekindly.co/australia-vegan-market-growth/
12 ABC radio, PM program: http://www.abc.net.au/radio/programs/pm/farm-surveillance-laws-under-the-microscope/10175038
We in the developed, relatively peaceful West are lucky to live in a society where issues such as the density of chickens in a free-range egg business are debated and legislated for. Due consideration is not only given to the animals at the centre of the operation but also to the farmer who manages them and the people who buy the product. The issues surrounding the production system and supply chain are discussed based on the available science and underpinned by the values that all stakeholders uphold. It is noted this was a topic at the Australian Agriculture Roundtable in October 2018 where the issue of agricultural regulation was discussed in the context of evidence versus emotion.

At the centre of the right to farm debate is the simple concept of society’s trust in agriculture.

To try to generalise across a population of 25 million people is to not examine the issue adequately. Society of course consists of a wide variety of groups who hold a spectrum of values across any one issue. The importance of connecting to consumers according to certain shared values is explored a little later in this essay, but to first examine the issue of society is an important consideration.

Leading global communicator Dr Peter Sandman has spent many decades exploring how society responds to issues, often highlighted by a crisis and the public outrage that can erupt in response. While every person is different, Sandman has observed common reoccurring groups that form within a society under such circumstances:

- industry
- regulators
- elected officials
- activists
- employees and retirees
- neighbours
- concerned citizens
- experts
- the media and through it, the rest of the public.

In this context, each one of these groups will have a view on the right to farm depending on the particular issue at hand, there is also always a diversity of opinions within these defined groups. Global expert in farmer’s social licence Charlie Arnot (from the US Center for Food Integrity) recently told the Lambex conference in Perth that in a debate about farming practice – which is at the centre of the right to farm – there are:

- Those who are ideologically opposed not only to the practice in question but also to a section of the broader farming community (for example, activists who are not only against caged egg production but also all intensive livestock industries and all animal industries).
- Those who are truly sceptical but are willing to support a practice and broader industry once engaged.
- Those interested but not concerned.
- Those not interested (the rest).

According Arnot, those in the ‘ideologically opposed’ group are often the noisiest in the debate but history suggests they do not have a lot of influence. The ‘truly sceptical’ group is the most important group to acknowledge the concerns of, engage with in an authentic way and give the opportunity to show the transparency of the industry – and through transparency, demonstrate the values and the measured benefits that underpin the practice and the possibly the willingness of the industry to change if required.

Exactly who the ‘truly sceptical’ group is has not always been easy to define traditionally but with the advent of digital communications this has become much easier.

Engagement and acknowledgement is a significant aspect of crisis management. Agriculture has typically been slow to respond to a crisis when presented with examples of poor practice. When presented with, for example, footage of animal cruelty, Arnot suggests farming bodies must be amongst the first in the public debate to state how what is seen in the footage is inconsistent with the values of the industry and importantly, does not fit with what society expects of it. If the footage shows a criminal offence, it simply becomes a matter for police and the legal system and this is exactly what has occurred with cases such as shearing cruelty.

If sceptical but rational members of society trust an industry to uphold the values they adhere to, they will not ask for more restrictions to be placed on the industry.

If sceptical but rational members of society trust an industry to uphold the values they adhere to, they will not ask for more restrictions to be placed on the industry. Subsequently pressure

16 Dr Peter Sandman: responding to community outrage: http://petersandman.com/media/RespondingToCommunityOutrage.pdf
18 ABC online: shearers plead guilty to animal cruelty http://www.abc.net.au/news/rural/2017-03-01/sheep-shearers-plead-guilty-animal-cruelty-western-victoria/8314678
will not be placed on groups identified by Sandman (such as regulators and elected officials) by activists or concerned citizens via both traditional and social media.

As an example, since the prosecutions associated with the shearing footage obtained in 2013, there have not been calls to place more restrictions on shearsers, sheep farmers and shearing contractors despite the magistrate involved with the case stating how the footage ‘offends community standards’ — no doubt it offended farming standards also.

In that example, various aspects of the wool industry did not condone the abuse, various organisations distanced themselves and stated how the footage did not reflect the greater industry but also acknowledged the problem exposed by the footage and moved in a united way to address the underlying causes through improved education and awareness.

While the understanding of farming practices shared between consumers and farmers may have been diluted over recent generations, it doesn’t have to equate to a dilution of empathy.

Charlie Arnott highlights the need to find shared values within broader social expectations between consumers and farmers. Finding and communicating these shared values towards animal welfare, custodianship of land and a sense of pride of place are examples, but he states this must be transparent and authentic.

Animal welfare is a term I believe all livestock industries must work hard to reclaim back as a core value for farmers in the public arena through clear and powerful communication. Professional livestock farmers spend their lives concerned with and working to optimise the welfare of their animals as they are not only their livelihood but also their identity and heritage. Farmers are the ones caring for stock come rain, hail or shine, drought or flood and, importantly, regardless of profit or loss.

In the past, agriculture has flown its flag based on its role in the economy as a significant employer, its production and export achievements and the science underpinning achievements. But this no longer cuts the mustard amongst the hearts and minds in Western societies according to both Sandman and Arnott who urge farmers to connect and communicate with concerned and sceptical citizens on shared values.

What do farmers have to gain from becoming animal welfare activists and communicating shared values? The answer: everything. Communicating their commitment to animal welfare is an example of a value shared with all members of Sandman’s spectrum of society and also found amongst all Arnott’s issues-based groups.

Equally farming bodies should not condone poor animal welfare. Where the law has been broken it is a matter for the courts and the greater farming community should not stand for such behaviour. Animal welfare is a value that should be held even higher by Australian farmers and every section of Sandman’s societal groups would be mad not to fall in behind.

As an indication of the values held by Australians, when applying for selected visas applicants 18 years and over are required to sign a statement confirming they will respect Australian values as well as obey the laws of Australia.

According to the Home Affairs Department, Australian values include:

- respect for the freedom and dignity of the individual
- equality of men and women
- freedom of religion
- commitment to the rule of law
- parliamentary democracy
- a spirit of egalitarianism that embraces mutual respect, tolerance, fair play, compassion for those in need and pursuit of the public good
- equality of opportunity for individuals, regardless of

business has two sides to it. Farmers naturally want consumers to purchase their goods, but they must understand the market and the changing nature of the segments of the markets they sell into. The premiums that are now paid for non-mulesed wool are an example.

While the understanding of farming practices shared between consumers and farmers may have been diluted over recent generations, it doesn’t have to equate to a dilution of empathy.
their race, religion or ethnic background.

These values may be expressed in different ways by different people while still maintaining the same meaning. The department declares that while these values are not unique to Australia, they have broad community agreement and underpin Australian society and culture.

Just as a good farmer must pay attention to stock health, maintain their land and plan for poorer seasons, farmers have a duty of care towards their own future by working to maintain a strong social licence or the right to farm in the way they desire.

A working example of an industry meeting the shared values across most groups within the spectrum of society is egg production. In the last 20 years there has been enormous differentiation of the product based on various values ranging from offering members of the public the most affordable eggs right through to the most expensive free-range eggs. Within this production spectrum there are opportunities for growers and egg companies to lawfully produce an increasing range of choices for egg consumers who can exercise their personal values at the checkout.24

So, the conclusion to the question of whether society should determine the right to farm is relatively simple.

A civil, developed society such as Australia, represented and governed by a parliament of elected officials, operating with a fair and just legal system, powered by the freedom of speech for its people, will and should always be the ultimate determinant of a farmer’s right to farm.

By standing independently from these pillars of modern society, quarantined from the rigours of public scrutiny, assuming any form of self-governance or regulation will ultimately lead to conflict and erosion of trust given the widening distance between farming and consumer.

However, just as a good farmer must pay attention to stock health, maintain their land and plan for poorer seasons, farmers have a duty of care towards their own future by working to maintain a strong social licence or the right to farm in the way they desire. This social privilege or legal right is granted by Australian society and involves an evolving discussion with a wide spectrum of interests within our society.

To remain a vital and valued part of Australian society, farmers and their representatives must engage with and be prepared to evolve to match the values represented in modern Australia. These values may include, for example, a commitment to animal welfare as demanded by credible bodies such as the RSPCA, environmental standards as enforced by statutory bodies such as the Environment Protection Authority, food and safety standards as championed at retail by supermarkets or even the educational value seen in innovative, productive and responsible modern-day farming practices.

A farming society with an astute, collective awareness of the risks associated with more transparent and accountable production chains can help oversee the inherent risk associated with a wealthy nation. Farmers should be proud to remain central to an economy that has more than adequately fed and clothed its people for many generations. From this position of relative comfort, Australians now increasingly judge our on-farm practices and determine the right to continue farming in the way we do.

The role of education within a national curriculum is becoming increasingly important not only to engage the next generation of farmers with career opportunities but just as importantly, the next generation of consumers. The role of industry research and development bodies in this regard is paramount.

The farming sector is becoming increasingly aware of its public face. The coverage of the most recent drought in NSW and Queensland is an example. An article appeared in the Daily Telegraph about a farmer setting up to kill his 1200 sheep that he could no longer afford to feed.25

Shortly afterwards, the People for the Ethical Treatment of Animals (PETA) launched its “if you can’t feed them don’t breed them” campaign, with a direct reference to the Daily Telegraph article and the values the farmer had chosen when managing, and deciding to destroy, his stock.26

However, throughout this particular drought there has been a debate in public and also amongst agricultural groups about how farmers are managing drought. While it is a seriously challenging situation, there has been evidence of a flexibility of production, a professionalism and a deliberate planning throughout this drought which demonstrates a right to farm that many have not


26 PETA website: If you can’t feed them, don’t breed them: https://www.peta.org.au/news/australias-drought-if-you-cant-feed-them-dont-breed-them/
Right to farm and its determination: the farming community’s responsibility

acknowledged in the mainstream media.27

When farming groups connect with science-based welfare organisations such as the RSPCA to present a joint marketing campaign based on shared values, strong advocates are born throughout the supply chain. Intensive agriculture, having often been in the cross-hairs of activism, has shown the way with a large range of farming products sold with RSPCA approval through some large retailers and brands.28

Society has shown it is willing to reward responsible farmers with powerful advocates for their cause. Prime Ministers and Premiers, business leaders and sporting champions are more than willing to be associated with and stand by responsible farmers in declaring their love for the Australian landscape and the farmer’s role in its stewardship and production of our food and fibre, holding a special place in Australian society.

That same society must determine the right to farm, but farmers must equally be determined to stay genuinely engaged with key decision-makers and influencers within it. As farmers we must stay connected to the society we live in, enjoy the freedoms of and sell our products into.


28 RSPCA approved products: https://rspcaapproved.org.au/rspca-approved-products

Marius Cuming

Marius Cuming is the General Manager of woolgrower engagement at Australian Wool Innovation and runs a woolgrowing and prime lamb business with about 2000 ewes from his home in western Victoria. Coming from a background in farming and rural journalism with ABC radio and Fairfax, he communicates and engages with woolgrowers about what AWI does on their behalf across various means including the weekly podcast The Yarn. He has initiated a number of programs aimed specifically at helping strengthen wool’s social licence such as the Wool4School international education program, Fibre of Football AFL marketing program and recently the Flock to Baggy Green cricket project. Marius enjoys connecting woolgrowers with designers, brands, processors and ultimately, consumers and lives and works as a passionate farmer, agricultural scientist, woolclasser, cheesemaker, and graduate of the Institute of Company Directors.
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