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# The Law and Legal Compliance Training Needs of Primary Producers in Australia

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Development Corporation**

# The Law and Legal Compliance Training Needs of Primary Producers in Australia

by Richard Coverdale  
Deakin University – School of Law

September 2009

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# Foreword

The ability to plan for and comply with an increasingly complex range of laws governing primary production, natural-resource management and business activities, directly affects the viability of individual agricultural enterprises and the efficiency of the industry as a whole. Yet primary producers are often inadequately resourced to interpret these laws, determine their impact or initiate practices for their implementation.

This research project indicates the areas of law primary producers identify are priorities for their businesses and factors that influence the effective delivery of training on law and legal compliance to this market. A proposed model for the development and delivery of law and legal compliance training, which takes into account the capacity and needs of the industry, has also been provided within the report.

The report highlights the need for a greater emphasis on information and training on law for primary producers and will assist the industry, education and training organisations and government to identify and prioritise law topics for training as well as determine the most effective ways of delivering that training.

The research project consulted with 76 individuals in focus groups, face to face meetings and telephone interviews and undertook a national survey, with responses from 290 primary producers and 57 agribusiness service staff and rural financial counsellors. A number of law topics were identified by those consulted. Priority topics for the development of training programs included, carbon trading, business structure, farm-succession planning, and employing or contracting staff. Contract law and the broad law themes of law and finances, environmental law and property and planning laws were also raised as important areas in which an improved knowledge was needed.

Interest in undertaking training in law and legal compliance is high with 88 per cent of the primary producers consulted indicating they would or may be interested in undertaking training in the topics they nominated. Of primary producer respondents, 62 per cent indicated an interest in participating in an online component of training.

A number of factors were regarded as significant to the likely take-up of training, including: the ability to quickly respond to emerging priority law topics and commodity-specific needs, the timing of training, a venue close to home, a practical 'action learning' approach using topic experts, programs of short duration and commodity targeted and actively marketed training.

This project was funded from RIRDC Core Funds which are provided by the Australian Government. This report, an addition to RIRDC's diverse range of over 1900 research publications, forms part of our Rural People and Learning Systems program, which aims to: improve productivity, environmental sustainability, and wellbeing in rural and regional Australia through R&D that contributes to building stronger and innovative institutions, communities, group activities and personal capacity.

Most of RIRDC's publications are available for viewing, downloading or purchasing online at [www.rirdc.gov.au](http://www.rirdc.gov.au). Purchases can also be made by phoning 1300 634 313.

**Peter O'Brien**

Managing Director

Rural Industries Research and Development Corporation

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The financial support of the RIRDC is gratefully acknowledged.

## Abbreviations

ABARE	Australian Bureau of Agricultural and Resource Economics
ABS	Australian Bureau of Statistics
ACUP	Agricultural Chemical User's Permit
AQF	Australian Qualifications Framework
AQTF	Australian Quality Training Framework
CMA	Catchment Management Authority
CPRS	Carbon Pollution Reduction Scheme
DAFF	Department of Agriculture, Fisheries and Forestry
DPI&F	Department of Primary Industry and Fisheries
DUHREC	Deakin University-Human Research Ethics Committee
EVAO	Estimated Value of Agricultural Operations
GMO	Genetically Modified Organism
ICT	Information and Communications Technology
NGO	Non Government Organisations
OHS	Occupational Health and Safety
RFC	Rural Financial Counsellor
RIRDC	Rural Industries Research and Development Corporation
RIST	Rural Industries Skill Training
RTO	Registered Training Organisations
TAFE	Tertiary and Further Education
VET	Vocational Education and Training
VFF	Victorian Farmers Federation

# Contents

- Foreword ..... iii**
- Acknowledgments..... iv**
- Abbreviations ..... iv**
- Executive summary ..... viii**
- Introduction ..... 1**
- Objectives ..... 2**
- Methodology..... 3**
  - Surveys ..... 3
  - Focus group meetings ..... 4
  - Telephone surveys ..... 4
  - Training program design focus group..... 5
  - Research ethics requirements ..... 5
  - A preliminary Victorian survey ..... 5
  - Rural Law Online website ..... 5
  - Literature search ..... 6
  - Limitations of the survey sample and variability of topics..... 6
- Literature findings ..... 7**
  - Summary of literature findings ..... 7
- Detailed literature findings..... 8**
  - Laws and primary production ..... 8
  - Access to legal information ..... 9
  - Economic and structural change..... 9
  - Social change ..... 11
  - Climate change and carbon pollution ..... 13
  - Carbon trading ..... 14
  - Education and primary production ..... 15
  - Vocational Education and Training (VET) courses..... 16
  - FarmBis ..... 18
  - Information communication technology and rural communities..... 20
  - Use of broadband..... 21
  - The internet as an education and training tool..... 22
- Survey findings ..... 25**
  - Summary of survey findings..... 25
- Detailed survey findings..... 31**
  - Who completed the survey ..... 31
  - Important law themes and topics ..... 33
  - Important law themes ..... 34
  - Combined law themes and related topics ..... 36
  - Important law topics ..... 38
  - Training ..... 53

<b>Recommendations .....</b>	<b>76</b>
Topics .....	76
Program design and format.....	77
Content and design .....	78
Level and accreditation.....	79
Duration .....	80
Timing .....	80
Location and venue.....	81
Targeted marketing.....	81
Course fees .....	82
Collaboration and partnerships with industry and government .....	82
Taking the lead .....	82
Further research .....	83
<b>References .....</b>	<b>85</b>
Other key websites.....	87
<b>Appendix 1 Surveys.....</b>	<b>88</b>
<b>Appendix 2 ABS breakdown of agricultural activity by state.....</b>	<b>98</b>
<b>Appendix 3 Telephone Survey.....</b>	<b>99</b>
<b>Appendix 4 Plain language statement and consent form.....</b>	<b>102</b>
<b>Appendix 5 Focus group discussion.....</b>	<b>106</b>
<b>Appendix 6 Consultations and focus group participants.....</b>	<b>109</b>
<b>Appendix 7 Priority law topics—Victorian research report .....</b>	<b>112</b>
<b>Appendix 8 Commodity groups and priority law themes.....</b>	<b>114</b>

## Tables

Table 1	Gender of primary producers.....	31
Table 2	Age group of primary producers.....	31
Table 3	Academic qualification level.....	31
Table 4	Commodity produced.....	32
Table 5	State and territory.....	33
Table 6	Law themes ranked by primary producers.....	34
Table 7	Law themes ranked by rural financial counsellors and agribusiness services staff.....	35
Table 8	Combined law themes and topics by all survey respondents.....	36
Table 9	Law themes ranked by telephone survey respondents.....	37
Table 10	Ranked topics of law.....	39
Table 11	Law and finances by commodity.....	41
Table 12	Law and business by commodity.....	43
Table 13	Law and families by commodity.....	44
Table 14	Employing and contracting staff by commodity.....	46
Table 15	Environmental law by commodity.....	48
Table 16	Contracts and agreements by commodity.....	49
Table 17	Property and planning law by commodity.....	51
Table 18	Water law by commodity.....	52
Table 19	Interest in participating in training.....	53
Table 20	Age and interest in participating in training.....	54
Table 21	Gender and interest in participating in training.....	54
Table 22	Qualifications and interest in participating in training.....	54
Table 23	Primary producers—importance of accredited training.....	55
Table 24	Age and importance of accreditation.....	55
Table 25	Factors important to primary producers deciding to take up training.....	57
Table 26	Interest in participating in online training.....	61
Table 27	Age of respondent and interest in participating in online training.....	62
Table 28	Interest in participating in online training by gender.....	62
Table 29	Interest in participating in online training by qualification.....	62
Table 30	Limitations to participating in online training.....	63
Table 31	Age and no internet connection.....	64
Table 32	Rural Law Online—top 12 search terms.....	74

## Figures

Figure 1	Internet access by private dwellings in rural Australia—August 2006.....	20
Figure 2	Combined law themes and topics by all survey respondents.....	36
Figure 3	Rural Law Online—most frequent page views January 2007 – December 2008.....	73

# Executive summary

## ***What is the report about?***

This report acknowledges the complexity of the laws with which primary producers are required to comply and the growing need for them to better understand those laws to effectively meet their legal obligations as business managers and primary producers.

The report proposes a set of law themes and individual topics important to the effective operation of farming businesses and a model for building knowledge of these areas of law through training.

## ***Who is the report for?***

The report is for peak farmer organisations and commodity groups; organisations providing education and training; primary industry education and training advisory bodies; food-processing industries; and government; to encourage better training for primary producers in the area of law and legal compliance.

## ***Background***

Primary production to a large extent remain family business enterprises. They deal with all the complexities and legal obligations of larger commercial operations, plus the complexities of family relationships. While often managing large capital assets, these businesses are commonly small operations often unable to afford specialist business advice, including legal advice.

The demographics of farming have changed rapidly over the last twenty years, with the number of farms being reduced by approximately 25 per cent, and the average area of individual holdings increased by around 23 per cent.

Farming is a dynamic business, which has and will continue to experience significant change. Regulation has increased with the move to larger scale and more 'corporate' farming systems, more sophisticated production methods and business structures, improved management of the environment, emerging markets and trade opportunities, and diminishing natural resources. It is essential that primary producers understand the legal obligations associated with these changing systems and commercial relationships.

Structural change brings with it significant changes in the social make-up of rural communities and rural industry. If these communities are to continue to be healthy and viable, it is essential to build human and social capital through an adaptable and flexible system of education and training, responsive to changes in rural communities. Understanding laws and the principles behind those laws is an important foundation to building effective relationships between individuals, communities and businesses. By building a community's knowledge of our system of law and compliance obligations, we build the social capital and the socio-economic health of rural Australia.

## ***Aims and objectives***

This research focuses on the legal training needs of farmers in Australia and how best they can be met. This report identifies:

- the most important areas of law raised by primary producers and others working in the industry
- issues that influence the effective delivery of training on law and legal compliance to this market.

It then recommends ways to develop and deliver training in the law and legal compliance.

## **Methods**

The research involved a national mail survey distributed to 1717 addresses. A total of 349 responses were received, of which 290 were from primary producers and 59 from industry advice and support services – a response rate of 20 per cent. Telephone surveys were also conducted with thirteen peak industry, commodity and training organisations, and four focus groups meetings were held in three states. A model for the delivery of a training program has also been developed. This resulted from feedback from a focus group of seven educational specialists and training providers conducted after the survey results were compiled.

This research report is also informed by a Victorian research project undertaken in 2007 funded by the Telematic Course Development Fund Trust and based on consultations with 28 Victorian industry participants and two focus groups involving 27 participants. Usage data drawn from the *Rural Law Online* website over two years was also analysed to determine the most frequently accessed topics of law.

## **Results**

### *Important areas of law*

Survey respondents were asked what areas of law are most important to ‘improving the operation of the farming business’. They could select from a list of broad law themes, individual topics under those themes, or both, or nominate their own themes and topics.

As a percentage of the total number of nominations, there was only a 10 per cent difference between the top theme, law and finances, and the bottom, GM crops, indicating an interest across the range of themes and topics covered.

### *Broad law themes*

The following 11 law themes were nominated by survey respondents in order of priority:

- law and finances
- environmental law
- property and planning law
- law and families
- employment law
- law and business
- contracts and agreements
- water law
- dealing with disputes
- animal management and welfare
- GM crops.

The same themes and topics were generally nominated by the telephone survey respondents, focus groups and the Victorian survey, however, the theme of contracts and agreements was ranked lower by

the national mail-survey respondents than by the telephone survey, focus groups and the Victorian survey respondents.

### *Law topics*

A total of over 6000 nominations were recorded by the 349 mail-survey respondents across 48 separate law topics. Priorities may change rapidly as new and emerging issues arise, however, some topics and themes will always be important to the industry.

The following top 10 individual topics were nominated by mail-survey respondents in order of priority:

- carbon trading
- business structure
- farm-succession planning
- employing and contracting staff
- chemical use
- native vegetation and land clearing
- occupational health and safety
- dam permits and water licences
- wills
- noxious weed and pest control.

Different producers favoured different topics depending on the commodities they produced. For example, grain and cropping farmers gave carbon trading the highest priority, while horticulturalists gave employing and contracting staff the highest priority.

### *Participation in training*

When asked if they were interested in participating in training in the law themes or topics they nominated, survey respondents were very positive, with 88 per cent of primary producers indicating they are or 'may be' interested.

When asked to list factors in order of importance in considering whether to take-up training, the 'time of day or time or year which suits my work demands' was the most important factor, nominated by 65 per cent followed by:

- participation of topic experts in the training—58 per cent
- location of training close to home—49 per cent
- short duration—46 per cent
- cost of training—45 per cent.

Most participants preferred face to face training, but:

- 62 per cent would consider online training. Of those:

- 41 per cent indicated that online training should be a component only
- 21 per cent indicated they would consider undertaking the entire program online.

Most participants—63 per cent—indicated that accreditation was not an important consideration.

The age and qualifications of survey respondents influenced their interest in participating in training generally, and in online training and formal accreditation of training programs. In broad terms, younger, tertiary-educated participants had a greater interest in training, online delivery and accreditation of the training. Women were generally more receptive than men to the notion of training, especially to online delivery.

### **Recommendations**

The following recommendations are proposed.

#### *Law topics*

- That flexible and responsive training programs are developed on law and legal compliance topics relevant to primary producers.
- That, as a priority, training programs are developed on the following broad law themes and individual topics:
  - *Law themes*—law and finances, environmental law, property and planning law, law and families, employment law, law and business, contracts and agreements, water law, dealing with disputes;
  - *Individual law topics*—carbon trading, business structure, wills and farm-succession planning, employing or contracting staff, native vegetation and land clearing, chemical use, occupational health and safety, animal welfare.

#### *A pilot program*

- Federal and state governments with peak commodity groups and industry training organisations should support the development of pilot training programs on at least one important law theme and one individual law topic, based on the model outlined here.
- The pilot program should then be independently evaluated to refine the model before training programs consisting of additional law and legal compliance topics are rolled out.

#### *Development of a national program*

- A national co-ordinating body should be established to monitor the training needs of primary industry in law and legal compliance, facilitate the development and regular updating of content and delivery of a national law and legal compliance program via registered training organisations around Australia.

#### *Design and delivery*

- Government and industry should invest more in encouraging a stronger learning culture within the industry by funding dynamic and innovative training programs that reflect the needs of primary producers.
- A model providing law and legal compliance training for primary industry should be practical, engaging, flexible and responsive, and draw on collaborations between industry organisations and experts in educational design and delivery as well as in the various topics.

- A number of recommendations have been made in relation to the design and delivery of training, the details of which are provided at the end of this report. These recommendations are summarised here.
  - Courses should be in various formats, principally face to face, with an option for some components to be delivered online.
  - An ‘action learning’ approach should be employed, in which learning is based on the experiences of participants and explored individually and in a group. Learning should begin with the core generic legal content and then move into the different issues and circumstances of commodities and regions to encourage an understanding of the practical context and application of the information provided.
  - An orientation program should be included, introducing participants to information and communication technology (ICT) learning tools which may be used as part of the program.
  - Training should be short, practical, relevant and responsive to current, new and emerging issues, pitched appropriately to the capacities and learning style of participants.
  - Collaboration with industry in the development and delivery of training is strongly recommended, including the involvement of industry experts and experts on each topic.
  - A single agency should be established to update the content in training programs, drawing on industry expertise for assistance and making it available online for training provider organisations and others.
  - Accreditation should be offered and set at a minimum Certificate 4 level of the Australian Qualifications Framework (AQF).
  - Training should be organised around the work-day commitments and seasonal demands of those in particular commodity sectors and delivered as close as possible to participants’ businesses.
  - Sufficient resources should be allocated to successfully marketing the training.
  - Given the relatively small market and the nature of training, it’s unlikely to ever be self-sustainable. Financial support from industry and government should be sought and fees should reflect any grants or subsidies provided as well as the likely resistance of the sector to expensive fees.

#### *Further research*

- There should be further research into the effectiveness of legal services in meeting the legal needs of primary producers now and in the future.

# Introduction

The Australian agricultural industry is experiencing major and rapid change, challenging the viability of many farming businesses. Like many small businesses, primary producers are required to deal with increasing regulation in all aspects of their activities. Governments use legislation to control the activities of the industry and maintain its viability and sustainability while protecting the rights of individual businesses, workers, consumers and the environment. Unfortunately, industry members have few resources to assist them to navigate these increasingly complex laws and legal compliance requirements.

This research project was motivated by an awareness of the need for a clear and practical understanding by primary producers of the law and how it applies to their production and business activities. The consequences of a lack of knowledge or non-compliance may be far reaching, affecting not only the individual enterprise but also our international competitiveness and trade.

# Objectives

The principle objective of this research was to determine the legal training needs of Australian farmers, and how best to meet those needs.

The project was funded by the RIRDC to:

- determine those areas of law in which Australian primary producers require better information to improve their business practices
- assess the extent of primary producers interest in taking up training on law topics, any constraints on this, and the possibility of delivering some or all of that training online
- recommend a model for developing and delivering training.

Consultations and surveys sought the views of a sample of primary producers and others in the industry and associated services, to gain an overview of the priorities and requirements of primary producers in relation to the law and legal training.

# Methodology

The research project comprised:

- 1505 surveys distributed nationally to primary producers across commodity groups
- 212 surveys distributed nationally to rural financial counsellors and agribusiness services
- telephone surveys with commodity group organisations and training organisations
- focus group meetings with state farmer associations and other relevant parties
- consultations with organisations experienced in the development, design and delivery of training for primary producers on the design of a training program
- a literature search of current Australian research on related matters, and
- an analysis of data from the *Rural Law Online* website.

## Surveys

### Direct mail surveys to primary producers

The surveys mailed directly to primary producers contained seven main questions, covering the characteristics of respondents (state, commodity, age, etc.); the areas of law they considered most important to the improved operation of their farming business; their interest in participating in training and any factors that might limit or prevent them participating; the viability of delivering that training online. See Appendix 1.

The survey question about important law topics was developed as a result of (but was not limited to) the findings of the Victorian research project completed in 2007<sup>1</sup>. This project identified a range of law topics for consideration in developing a law and legal compliance training program for Victorian primary producers. See ‘A preliminary Victorian survey’ below.

The national primary producer mail surveys were distributed to farming businesses in each state and territory using Australian Bureau of Statistics (ABS) data<sup>2</sup> to determine the overall proportion of commodities in each state and territory. See Appendix 2.

In New South Wales and Victoria, the state farmers associations agreed to distribute the surveys to members based on the proportion in each commodity group identified by the above ABS data and ensuring a broad geographic spread around the state. For other states, survey recipients were randomly selected using the ‘True Local’ online business directory, which categorises agricultural businesses by type of business and state. Again surveys were distributed to ensure a broad geographic spread in each state and territory.

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<sup>1</sup> Deakin University School of Law, *The law and legal compliance training needs of primary industry in Victoria*, February 2008.

<sup>2</sup> Australian Bureau of Statistics, *Agricultural commodities 2005–2006 Establishments with agricultural activity by state at June 2006*, (7121.0), March 2008.

## **Rural financial counsellors and agribusiness direct mail surveys**

Surveys distributed to rural financial counsellors (RFCs) and agribusiness services included the same questions as those distributed to primary producers, seeking their opinion on the likely preferences and attitudes of primary producers. A list of RFCs was provided by the Department of Agriculture, Fisheries and Forestry – Rural Financial Counselling Unit and surveys were distributed to all 112 RFCs listed.

One hundred private agribusiness services were randomly selected across all states and territories, using the ‘True Local’ online business directory. These include a range of consulting services in farm financial and business management, agronomy and extension services, and environment management services.

All surveys were distributed over June and July 2008 by mail with an enclosed addressed and stamped envelop. Survey respondents were asked to return their completed survey within 14 days of receipt.

### **Survey response rates**

Of the 1717 surveys distributed, 349 completed surveys were received—an overall response rate of 20.32 per cent

- 290 completed surveys were received from primary producers—a response rate of 19.27 per cent
- 41 completed surveys were received from RFCs—a response rate of 36.61 per cent
- 16 completed surveys were received from agribusiness services—a response rate of 16 per cent
- 2 did not state whether they were from RFCs or agribusiness services.

### **Focus group meetings**

Focus group meetings were organised in Dubbo, New South Wales; Toowoomba, Queensland; and Melbourne and Warrnambool, Victoria.

The New South Wales Farmers Association facilitated the Dubbo meeting of eight people, including representatives from the New South Wales Farmers Association, farmers, RFCs, the Central West Catchment Management Authority and Charles Sturt University.

AgForce Queensland facilitated a focus group meeting of five people in Toowoomba which included AgForce representatives, rural financial counsellors and Farm Legal Aid Queensland.

The two Victorian focus groups were part of the Victorian 2007 research project. One consisted of eight members of the Victorian Farmers Federation (VFF)—Grains Group and included VFF representatives and Victorian grain growers; the other consisted of nineteen participants in a regional focus group in Warrnambool made up of farmers, local government members, TAFE and university training providers and representatives of the Victorian Farmers Federation .

### **Telephone surveys**

Members of seven peak national agricultural industry and grower organisations and six state and territory Primary Industry Skills Training Councils participated in telephone surveys. It should be noted that responses to these surveys were provided by individuals within these organisations and are not necessarily the views of any organisation.

Both the telephone survey and focus group meetings were based on a set of questions similar to those developed for the mail survey (see Appendix 3).

## **Training program design focus group**

A focus group was arranged with seven individuals experienced in the development, design and delivery of training. This included a member of the Agrifood Industry Council, training provider organisations and program design consultants.

Consultations were based on a discussion paper which was forwarded to participants prior to the recorded conference call. The discussion paper outlined a model for the delivery of training, and included a list of questions for participants to answer. The meeting lasted approximately one and a quarter hours. A copy of the discussion paper and the list of participants are attached as Appendix 5 and Appendix 6.

## **Research ethics requirements**

Before the research project began, an application was made to Deakin University-Human Research Ethics Committee (DUHREC), seeking authorisation to undertake the research, based on the above methodology.

DUHREC's approval was conditional on a 'plain language statement' being distributed with all mailed surveys, and a 'plain language statement' and 'consent form' being provided to prospective interviewees who would be identified as part of the interview process, including focus group and telephone interviewees.

Signed consent forms were required to be received before research participants were interviewed. Copies of both forms are attached as Appendix 4.

## **A preliminary Victorian survey**

In 2007 research funds were provided by the Telematic Trust—Telematic Course Development Fund. The Telematic Trust seeks to promote 'the development and use of new information and communication technologies that support educational initiatives within Australia'.

The survey of 'The Law and Legal Compliance Training Needs of Primary Producers in Victoria' involved interviews with 61 individuals. This included interviews with 28 rural and related service industry members, 27 participants in two focus groups and interviews with six specialists in education and training program development and delivery.

The objectives of the Victorian research project are the same as those of this project. The findings of the Victorian project laid a foundation for this national project, outlining important issues and assisting in framing survey questions. Key findings of the Victorian research are reflected within this report. A table of priority law topics resulting from the Victorian research consultations is attached. See Appendix 7.

## **Rural Law Online website**

Data from the *Rural Law Online* website was also analysed. The website provides plain-language information covering over 500 law topics. As a Victoria Law Foundation funded project, the website targets rural Victorians. The site, however, receives 'traffic' nationally and from overseas. Approximately 42 per cent of traffic entering the site emanates from Victoria, with 20 per cent from New South Wales, 10 per cent from Queensland, 5 per cent from WA, 4 per cent from South Australia, 2 per cent from the Australian Capital Territory and 1 per cent from Tasmania. Approximately 16 per cent of visits to the site emanate from overseas.

The website offers a unique opportunity to analyse the law topics of greatest interest to the 156,000 visitors who came to the website over a twelve-month period from November 2007 to November of 2008. Using Google Analytics, a service provided by the Google search engine, data was analysed on:

- the frequency of website ‘page views’
- ‘key search terms’ used by visitors entering the website
- ‘top content pages’ visited on the website

## **Literature search**

An investigation of literature included:

- publications on current and future issues that might have a legislative impact on Australia’s primary industry sector
- publications that discuss issues relating to the delivery of information and training to primary producers.

## **Limitations of the survey sample and variability of topics**

The size of the sample—including mail surveys, telephone surveys and focus groups—was too small to do more than provide indicative information, that gives an overview of issues and trends. The sample will not provide sufficient data to identify all commodity-specific law topic priorities and training needs.

It should also be noted that the level of enthusiasm demonstrated by survey respondents to participate in training may not truly reflect the general interest of primary producers. The act of returning completed surveys may itself indicate a bias, where those with a more positive view of the topic and participation in training may be more likely to complete and return the survey. The higher than average number of survey respondents who achieved a university-level qualification and who returned the survey supports this notion.

Law by its nature changes over time. A myriad of factors can influence the introduction of new legislation or change the emphasis on existing areas of law. Emerging markets, shrinking resources, changing government policies and priorities, a shift in public opinion, biological and climatic factors such as disease, drought or floods, are just some of the elements that can influence the introduction of new laws or create greater interest in existing laws. Therefore the topics listed in this research will also vary over a relatively short period of time, between states, commodities and even regionally.

# Literature findings

The key points produced in the literature search provide some context or background for the study. They are summarised below.

## Summary of literature findings

- Regulation of primary industry is increasing and industry members need at least a basic understanding of compliance requirements. This includes regulation of business and financial activities, production activities and environmental sustainability.
- Primary producers, predominantly family-owned businesses, and those in rural communities, have less and less access to affordable individual legal information.
- Significant and ongoing economic and structural changes to primary industry have generated a need for more formalised ‘corporate’ business structures and relationships, and greater flexibility and responsiveness to market demands. To successfully compete in this environment, it is necessary to have a practical understanding of the legal obligations associated with these structures and commercial relationships.
- The current economic and structural changes experienced by primary industry have significantly affected rural communities. Building social capital and adaptive capacity is necessary for the ‘health’ of these communities. A knowledge of the laws, legal principles and process are important to the development and growth of both rural industry and rural communities.
- Climate change has a direct impact on primary industry, its productive capacity and the extreme climatic events that will affect the industry. There is likely to be greater regulation of diminishing natural resources and further structural changes to primary industry as a result of climate change. If primary industry is to be sustainable and flexible and able to adapt to change, it will need to understand the laws relating to climate change.
- There is a skills shortage across primary industry, and formal education qualifications for industry members are lower than the Australian industry average. Primary producers are more likely to undertake training if it increases productivity and reduces costs. To date they have tended to prefer informal education and training.
- Vocational Education and Training (VET) qualifications are the most popular with industry members. A range of units within existing VET training packages cover, to varying degrees, a number of law and legal compliance training topics relevant to primary producers.
- There are also a large number of accredited and non-accredited short courses available from private providers on potentially relevant law and legal compliance topics.
- There appears to be no co-ordinated approach to the training needs of primary industry in law and legal compliance, which limits the industry’s capacity to respond to emerging issues and trends.
- Online delivery of training programs to primary industry has significant potential and advantages to both users and providers. However, there are a number of structural, educational, practical and financial impediments that need to be addressed before programs, which are predominantly online, can be successfully delivered.

# Detailed literature findings

The information below provides a context for this project. There are a myriad of factors that influence the current position of primary industry and the likely direction of change. The following factors are regarded as having a significant impact on the need for information and training on law and legal compliance for primary producers and appropriate methods of delivery.

## Laws and primary production

Laws affect all farming activities and all aspects of primary production generally. There is an undercurrent of concern across rural industry at the growing amount of 'red tape' – legislation and regulations –, with which primary industry is required to comply.<sup>3</sup>

Many laws specifically relating to primary production have been passed to protect our environment and Australia's reputation as an exporter of quality produce. Anyone involved in crops and livestock, for example, should understand the laws and regulations relating to the impact of their actions on our environment (water, air, land, flora and fauna, and planning laws relating to these); this should be an inherent component in their planning and management activities, rather than something that is only being dealt with as issues arise.

At the very least, a basic understanding of the law and legal obligations is required to establish appropriate business practices and business structures that take into account systems of management, taxation and succession implications, as well as an understanding of relationships with employees, suppliers, processors, wholesalers, etc.

The need for training about laws and legal compliance is identified by the Department of Education Science and Training, *National industry skills report*<sup>4</sup>, which evaluates current factors likely to affect training needs for Australian industry.

The report identifies factors that influence demand for skills. The four most important include: participation, market pressure, technological change and regulatory compliance. In relation to regulatory compliance influencing demand for skills, the report states, 'The business regulatory environment is strongly influenced by legislation, regulatory or licensing requirements, codes of practice and standards.' The report then states that 'The need ... for a cogent link between regulatory requirements and competency standards, is increasing'.<sup>5</sup>

The report also identifies a number of areas of law which it regards as having a substantial impact on the agrifood industry. These include: environmental and safety regulations, production strategies for sustainable land and water usage, sustainable packaging and processing techniques, and animal and plant health and safety. The document also reports 'Self regulation is a strong trend with both legislative frameworks and safety requirements to manage risk'.<sup>6</sup>

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<sup>3</sup> 'The Corish report', *Report by the Agriculture and Food Policy Reference Group to the Minister for Agriculture*, February 2006.

Australian Competition and Efficiency Commission, *Regulation and regional Australia: challenges and opportunities*, final report, June 2005.

Open letter by Ben Fargher (Chief Executive Officer, National Farmers Federation) to Australian Government Regulation Task Force re: *Regulatory compliance burdens faced by Australian farmers*, 18 November 2005.

<sup>4</sup> Department of Education Science and Training, *National industry skills report*, May 2006.

<sup>5</sup> *ibid* p.5.

<sup>6</sup> *ibid* p.13.

The AgriFood Industry Skills Council also identifies ‘business compliance’ as a ‘critical’ driver for skills training where the effectiveness of transferring knowledge on compliance laws will ‘have implications for the ongoing sustainability of the industry, its image and competitiveness’.<sup>7</sup>

## Access to legal information

Compliance with the range of often complex laws governing all facets of primary production is becoming increasingly difficult for rural industry, which to a large extent still consists of small family-business enterprises.<sup>8</sup> The nature of farming as a family business brings with it a number of issues. Family farm businesses often involve significant commercial activities, large investments of capital in land, equipment and other assets, and potentially complex legal structures and contractual arrangements—in summary, all the complexities and legal obligations of larger commercial operations, plus the dynamics of family relationships. Yet, at the same time, they are small operations that struggle to afford individual specialist business advice, including legal advice.

Geographic access to quality, personalised, individual legal advice is also becoming limited with the diminishing number of rural law firms.<sup>9 10 11</sup> A lack of a commercial incentive for law firms to specialise in serving small-scale agricultural operations—and, as a consequence, a reduced expertise in legal matters impacting on primary producers—will further undermine the capacity to gain informed advice.

Building social capital and adaptive capacity is necessary for the ‘health’ of rural communities. Knowledge of laws and legal processes by community members are important tools for building the capacity of rural communities to survive and grow. Relative to metropolitan Australia, rural communities are disadvantaged in their ability to build their knowledge about laws and legal process with comparatively limited access to accurate and independent legal services, legal education programs and support services.<sup>12 13</sup>

## Economic and structural change

The demographics of farming have changed rapidly over the last twenty years and drought has accelerated the change. Over the last twenty years the number of farms has reduced by approximately 25 per cent while the amount of land used for agriculture has reduced by 9 per cent. At the same time the average area of individual holdings has increased by around 23 per cent.<sup>14</sup>

Larger holdings and increasing volumes of production – economies of scale – are required if most broad-acre farming is to be viable. However, smaller holdings are still the norm, with 20 per cent

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<sup>7</sup> AgriFood Industry Skills Council, *Industry skills report*, June 2005.

<sup>8</sup> Australian Bureau of Statistics, Australian Social Trends, 2003, *Living arrangements: farming families*.

<sup>9</sup> Northern Rivers Community Legal Centre, *Recruitment and retention of lawyers in rural, regional and remote New South Wales—a literature review*, July 2008.

<sup>10</sup> Senate Legal and Constitutional Reference Committee Inquiry into Current Legal Aid and Justice Arrangements, *Legal aid in outer metropolitan, regional, rural and remote areas*, 2003.

<sup>11</sup> The Australian Parliamentary Law Reform Committee, *Report into access to justice for rural Australians*, 2001.

<sup>12</sup> Australian Law Reform Commission, report No. 89, *Managing justice—a review of the federal civil justice system*, January 2000, paragraph 5.80, referred to by the Commonwealth Attorney-General’s Department.

<sup>13</sup> Law and Justice Foundation of New South Wales, *Access to justice and legal needs, a project to identify legal needs, pathways and barriers for people in New South Wales*, L Schetzer & J Henderson, Stage 1: public consultations pp. 166–7, 2003.

<sup>14</sup> Productivity Commission, *Trends in Australian agriculture*, research paper 2005, p. xxii.

under 50 hectares and 33 per cent between 100 and 499 hectares. Income from primary production for many is low: 17 per cent of Australian farms have an estimated value of operations (EVAO) below \$22,500, while 11 per cent had an EVAO of more than \$500,000. Farm production has become more concentrated on large farms—the top 20 per cent of broad-acre farms now account for around 64 per cent of output. The last twenty years has also seen an increase in more intensive farming and a greater diversity of commodities produced, following emerging markets and moves to more intensive production techniques and systems.<sup>15</sup>

The structure of primary industry has been changing for some time. A 2001 report produced by the Rural Industry Research and Development Corporation<sup>16</sup> following a workshop involving key industry and government representatives acknowledged the dominance of family farms and noted two key changes which are emerging in farming business structures:

- a gradual move to ‘corporate farming’ where farms (mainly large broad-acre holdings), are generally owned by a group of diverse shareholders, all of whom have the freedom to retain or dispose of their shares at any time. The resident farm manager may not necessarily be involved in strategic decision-making for the property, members of the farm workforce are employees of the corporation, and the prime concern of the farm is to generate profits for shareholders.
- contract farming’, where farmers may contract with a processor to supply a particular quantity and quality of commodity at a specified time for an agreed price. The contracting company often supplies the farmer with some inputs and technical advice.<sup>17</sup>

ABS statistics also reveal a dramatic decline of 20 per cent in the number of people employed in agriculture and services to agricultural industries over the five-year period between 2002 and 2006.<sup>18</sup> Of the total figure of 330,900 people employed in this sector in 2006, 68 per cent are males. A significant decline in 2003 was explained as ‘largely the result of the drought ... during that period’.<sup>19</sup> The Productivity Commission described this 12-month period as seeing ‘a decline of 15 per cent or around 70,000 jobs (12 months to June 2003): the largest recorded employment shock of any drought since reliable statistics became available’,<sup>20</sup> a factor which, combined with the current financial crisis, may well again have a significant impact on employment in the immediate future.

The Productivity Commission, *Trends in Australian agriculture*, reports that off-farm employment is becoming ‘increasingly important in maintaining family farm incomes. Between 1989 and 2003, the proportion of farm families deriving income from off-farm wages and salaries increased from 30 to 45 per cent and average earnings from such sources more than doubled, in real terms, rising from \$15,000 to \$33,500 per year’.<sup>21</sup>

A recent ABARE<sup>22</sup> report summarises the current economic position of farming as follows:

- ‘Severe drought across southern and central Australia is projected to reduce farm incomes in 2006–07 to their lowest level in over thirty years.

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<sup>15</sup> *ibid* p. xxiv.

<sup>16</sup> Rural Industry Research and Development Corporation, *The impacts of changing farm business structures on rural communities*, publication no. 02/027, 2002.

<sup>17</sup> *ibid* p.3.

<sup>18</sup> Australian Bureau of Statistics, ‘Labour force’, *Australia year book 2007*.

<sup>19</sup> *ibid* ‘Electronic delivery’, (6291.0.55.001).

<sup>20</sup> Productivity Commission, *Trends in Australian agriculture*, research paper, 2005, p. 81.

<sup>21</sup> *ibid* p. 87.

<sup>22</sup> ABARE, *Australian farm survey results, 2004–2005 to 2006–2007*, p. 1.

- Farm cash incomes for grain forms in New South Wales, South Australia and Victoria are estimated to have fallen the most, and the dairy industry has also been particularly affected.
- Most Australian farms entered 2006–07 with relatively high farm equity. However, a large increase in the proportion of farms recording negative farm cash incomes in 2006–07 is likely to result in significant increases in farm debt.
- Continued strong prices for major commodities, particularly grains and beef, together with high levels of farm investment in recent years, remain positive factors supporting farm income recovery and farm values after 2006–07.
- While financial performance is obviously important to farmers’ ability to manage the impact of the current drought, human social and biophysical factors are also important contributors to the resilience of farm businesses.<sup>23</sup>

The ABARE projection for average farm cash income for New South Wales and Victoria for the 2007–08 financial year is estimated to be ‘very close to zero’.<sup>24</sup>

However, the capacity of the agricultural industry to improve efficiencies and productivity is clearly demonstrated over the longer period. Despite the growth in competitive international markets, reduction in the number of farms and employment in this industry and reduced area under agriculture and severe climatic conditions, there has been a continued growth in productivity averaging almost 3 per cent per year over the last thirty years to 2003–04.<sup>25</sup>

The Productivity Commission explains the growth in productivity as being due principally to ‘advances in knowledge and technology, better use of available technologies and management practices, and structural changes such as increases in farm size and shifts in enterprise mixes’.<sup>26</sup>

This summary of the current state of primary production points to the dynamic nature of farming and the significant structural changes that have occurred and are likely to continue to occur for some time. If primary producers continue to move to larger scale and more ‘corporate’ structures and more sophisticated production methods, they will need a practical understanding of the legal obligations associated with these structures and commercial relationships.

Farming, however, remains predominantly family based, and the economic and social health of these operations are also intrinsically tied to the local community and the infrastructure and knowledge resources available to it.

## Social change

Structural changes produce significant changes in the social make-up of rural communities and primary industry. A recent report by Mission Australia<sup>27</sup> documents the significant social and economic changes that have occurred within rural and regional Australia over the last two decades and the need to build the ‘capacity’ of those communities in response. Capacity building in the context of communities refers to investment in people, institutions and practices that will, together, enable the

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<sup>23</sup> *ibid* p.1.

<sup>24</sup> *ibid* p.6.

<sup>25</sup> Productivity Commission, *Trends in Australian agriculture*, research paper, 2005, p. xxxviii.

<sup>26</sup> *ibid* p.115.

<sup>27</sup> Mission Australia— *Rural and regional Australia, change challenge and capacity*, 2006.

achievement of shared objectives, self reliance and sustainability.<sup>28</sup> While the Mission Australia report stresses that rural and regional communities are diverse and not homogeneous, it focuses on the importance of ‘social capital’ in building the capacity of rural communities to address local needs and issues.

The report flags a number of areas in need of immediate attention to build resilience and social capital in rural communities. The issues it focuses on may be summarised as:

- retention of young people through improved education and employment opportunities
- improved access to health and community services
- improvements to information-technology systems
- enhanced capacity building policies by government
- more effective communication between all levels of government.

ABARE<sup>29</sup> acknowledges the importance of ‘adaptive capacity’ to ensure the resilience and survival of rural communities and industry when dealing with drought, economic and social changes. A tool used by ABARE, which maps the capacity of broad-acre farming regions around Australia to cope with these changes, includes the following factors:

- human capital (measured by education level and health)
- social capital (measured by business partnership arrangements, internet use and membership of Landcare)
- natural capital (measured by productivity of the land)
- physical capital (measured by plant and machinery and farm structure and livestock)
- financial capital (measured by on and off farm income).<sup>30</sup>

The Mission Australia report includes similar ‘capitals’ but replaces the notion of physical capital with institutional capital, broadening infrastructures to include the three tiers of government, public assets and educational, health, and financial instructions.<sup>31</sup>

Both analyses of rural Australia acknowledge the important contributions that human and social capital make to the survival and growth of primary production and farming communities, and commonly accept the integral part that education, knowledge and information technology play in building human capital and fostering a ‘capacity’ to cope with change.

The role of women on farms is also changing. The *Australia’s farmers: past, present and future* report<sup>32</sup> produced by Land and Water Australia indicated that the ‘changing social role of women and

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<sup>28</sup> For further discussion on this topic see Sue McGinty, School of Indigenous Australian Studies, James Cook University, Paper presented to the Australian Association for Research in Education Conference, Brisbane, 2002.

<sup>29</sup> ABARE *Australian farm survey results, 2004–2005 to 2006–2007*, p. 20.

<sup>30</sup> *ibid* pp.20–2.

<sup>31</sup> Mission Australia, *Rural and regional Australia, change challenge and capacity*, 2006 p. 22.

<sup>32</sup> Land & Water Australia, *Australia’s farmers: past, present and future*, June 2005.

increased expectations of education participation have permanently shifted patterns of entry to farming and retirement from farming'. The report also states that 'Fewer and fewer farm women identify with the traditional role of "farmer's wife" and increasingly are likely to identify as a joint farm manager. With off-farm employment becoming increasingly important in maintaining family farm incomes, women are also more likely than men to work off-farm'.

Building human and social capital through an adaptable and flexible system of education and training, responsive to changes in rural communities, is essential for their ongoing health and viability. Understanding our system of law and compliance obligations across a growing number of areas, utilising appropriate commercial and business structures and relationships that suit the changing primary industry landscape, and informed participation in law reform, are all part of a dynamic environment which builds social capital and the socio-economic health of rural Australia.

## Climate change and carbon pollution

The extent of climate change and its impact on agriculture continue to be assessed. The fact that it will impact on almost all sectors of industry and all communities, including agriculture and rural communities, seems now unequivocal. CSIRO scenarios suggest the impact of climate change on rainfall in southern Australia will be significant with a potential 10 per cent decrease in rainfall by 2030 and 30 per cent by 2070.<sup>33</sup> Increasing temperatures over that period will further exacerbate the impact on agriculture.

According to the Australian Centre for International Agricultural Research, 'agriculture is expected to be more affected by climate change than other sectors of economies because it is intimately dependent on the sustainable use of the natural resource base'.<sup>34</sup>

The *National agriculture & climate change action plan 2006–2009* outlines a number of areas in which climate change will affect agriculture, including:

- increased frequency and severity of climate extremes
- a shift in areas where production can occur and a change in production and carrying capacities, creating problems in some regions and opportunities in others
- reduction in the potential for irrigation and increased pressure on water allocation systems
- disruptions of communities and people's livelihoods
- increased threat of weeds, pests, and disease
- changes to international market demands and trade in commodities.<sup>35</sup>

In the light of the current drought being experienced mainly in south-eastern Australia, the recent Queensland floods and Victorian fires, these predictions provide a sobering view of the likely long-term impact of climate change. It is inevitable that managing our environment and the limited natural resources available—with the increasing threats of weeds, pests and disease—will require increased regulation. The changing face of farming businesses from family to corporate structures, shifts in regional opportunities and the socio-economic challenges for rural and regional communities—as well

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<sup>33</sup> CSIRO Media Release, *Australian rainfall—a view of the future*. Ref. 07/196, 4 October 2007.

<sup>34</sup> Australian Centre for International Agricultural Research, *Australian agriculture and food policy reference group*, 2006.

<sup>35</sup> Natural Resource Management Ministerial Council, *National agriculture and climate change action plan 2006/2009*, 2006.

as emerging markets and trade opportunities—will also trigger greater regulation and require a better understanding of the range of laws that will apply.

## Carbon trading

The federal Labor government has been active in responding to climate change with the establishment of the Department of Climate Change in December 2007, soon after its election. On the 15 December 2008 the Prime Minister, the Hon. Kevin Rudd, released the government's *Carbon Pollution Reduction Scheme (CPRS) white paper* and the medium-term target range for the scheme.

To be introduced in 2011, the CPRS proposes a 5 to 15 per cent emissions reduction target by 2020. Following recommendations from the Garnaut report, agriculture will be exempt from complying with the scheme until at least 2015.<sup>36</sup> However, even with this temporary exemption, the CPRS will have a significant impact on agriculture through input costs for items such as fuel (a level of rebate is proposed), feed, electricity and fertiliser, etc.

According to many involved in the emissions-trading market, 'Carbon is well on its way to becoming the world's largest traded commodity.'<sup>37</sup> Agriculture has a unique set of issues which make it difficult at this stage for it to be included under a CPRS and to determine the most effective methods of reducing greenhouse emissions and creating carbon 'sinks'. 'A primary reason for this is the impracticality of accurately measuring on-farm emissions or sequestration to soil, and subsequently monitoring changes over time'<sup>38</sup>

The federal government recently established a number of programs that may potentially be used to fund the development of agriculture-sector education and training programs on climate change issues. Programs requiring further investigation include:

- The Department of Agriculture Fisheries and Forestry
  - *Australia's farming futures*, which includes *The climate change adjustment program*: grants can be used to obtain training or legal and personal advice to manage the impacts of climate change
  - *Farm ready industry grants*, to improve adaptation to climate change through education and encouraging the adoption of best-practice management
  - *Farm ready training reimbursements*, a training reimbursement grant for attendance at approved training courses.
- The Department of Environment, Water, Heritage and the Arts also has an *Education for sustainability* program which assists projects that facilitate changes in community attitudes and behaviours in support of sustainable development in Australia.
- The Department of Climate Change under the *Climate change adaptation skills for professionals program* provides small grants to tertiary education and training institutions and professional associations to develop and accredit programs geared towards professional bodies.

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<sup>36</sup> Federal Department of Climate Change, *Carbon pollution reduction scheme—Australia's low pollution future*, white paper, volume 1, December 2008.

<sup>37</sup> Dr Richard Eckard, *The University of Melbourne School of Land and Environment emissions trading presentation*, Leongatha, 2008.

<sup>38</sup> Land and Water Australia, *Agriculture, forestry and emissions trading: how do we participate?* issues paper, May 2007, p. 4.

## Education and primary production

The educational background of farm managers varies considerably. Farms may be managed by well-qualified individuals or by those with strong practical experience who have had few professional development opportunities and limited formal education.

In general, the level of educational qualifications for those working in primary production is lower than the industry average (by approximately 20 per cent according to the *Productivity Commission report*)<sup>39</sup> with those attaining agriculture-related university qualifications more than three times lower. The Monash Centre for Policy Studies' *Qualifications profile for the agrifood industry* reported that 73 per cent attained secondary-school qualifications and 8.5 per cent gained higher education (*TAFE or university*) level qualifications in the reported period, 2003–04. 'The qualifications held by the 19.4 per cent of the [agricultural industry] workforce that have VET qualifications are mostly at the Certificate III or IV level.'<sup>40</sup>

There is, however, a trend towards increased qualification of the agriculture workforce. The Productivity Commission recorded a doubling of all graduates nationally between 1984 and 2004. Over the same period there was a tripling of the proportion of university graduates participating in agriculture.<sup>41</sup> While the number of graduates in agriculture comes from a lower base number, the growth is nevertheless encouraging.

However, the relatively low number of higher education graduates does not mean that this sector participates in continuing training or education. The ABARE 2006 *National farmer survey* estimates that during the period 2004–06 approximately 45 per cent of farmers from across Australia participated in some form of training activity.<sup>42</sup>

Like many of those in small business, primary producers are often motivated to start training not to gain qualifications but to increase productivity and reduce costs. Research for the Australian National Training Authority indicated that 'farm managers value informal education and training as much, if not more, than formal award courses'.<sup>43</sup>

The current drought has also affected entry to education and training programs amongst young people. A report on *The impact of drought on secondary education access in Australia's rural and remote areas* stated that 'drought has had significant impacts on educational access for all levels of schooling.'<sup>44</sup> The report cites a number of factors which include, but were not limited to, increased financial burdens on families that affect their ability to pay for education and support children living away from home; the uptake of immediate employment opportunities; the lack of access to subsidies and allowances because of assets; and increased unpaid work responsibilities on the family farms.

It is likely that similar pressures as a result of the drought will influence the ability of, and incentive for, adults to undertake further education and training.

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<sup>39</sup> Productivity Commission, *Trends in Australian agriculture*, research paper 2005, p.106.

<sup>40</sup> Monash Centre for Policy Studies *Qualifications profile agrifood industry 2003/2004*, source: AgriFood Industry Council, Agrifood industry report, June 2005, p. 38.

<sup>41</sup> Productivity Commission, *Trends in Australian agriculture*, research paper 2005, p.106.

<sup>42</sup> ABARE *Australian farm survey results, 2004–2005 to 2006–2007*, p. 20.

<sup>43</sup> Flexible Learning Network, *Differentiating needs—customer demand for online training*, Australian National Training Authority, 2003, p. 22.

<sup>44</sup> Centre for Rural Social Research, *The impact of drought on secondary education access in Australia's rural and remote areas*, Charles Sturt University, Wagga Wagga, 2006, p.16.

A federal parliamentary standing committee report, *Skills: rural Australia's need*,<sup>45</sup> presented 29 recommendations about labour needs and skills training needs in rural Australia. The report highlights 'severe skills shortages in rural industries and significant gaps in our capacity to respond to those shortages'. It also recommends 'a more coherent approach ... to the provision of rural skills training and education' proposing 'a national strategy on rural skills training, encompassing the school, vocational education and training, and higher education sectors'.<sup>46</sup>

Of particular significance to this research project on the legal training needs of primary producers, the Standing Committee on Agriculture recommends:

- the improvement of information technology services as a means to deliver knowledge and information to rural areas
- that government develop a national strategy for encouraging industry initiatives in skills training and removal of bureaucratic impediments
- encouraging and supporting more women to take up training
- better utilisation of the knowledge and skills of older workers
- considering the high cost and low volume nature of rural skills training
- revision of the Australian Quality Training Framework (AQTF) to make the adoption of new training packages and competencies in rural skills faster and easier
- revision of Vocational Education and Training in rural skills to provide:
  - a training framework based on attaining individual competencies as well as formal qualifications
  - a funding formula that takes into account individual competencies
  - a reformulation of individual competencies to provide for shorter courses targeting particular skills.<sup>47</sup>

## Vocational Education and Training (VET) courses

Vocational Education and Training (VET) courses and units of study provide specific occupational or work-related skills and knowledge.

VET is the most popular form of post-secondary qualification in the agricultural industry, with 31 per cent of the workforce attaining non-university post-school qualifications.<sup>48</sup> A range of VET programs are available to those working within primary industry at certificate, diploma and graduate diploma levels. Training is provided through agricultural colleges, registered training authorities such as TAFEs, private providers, and by industry organisations themselves.

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<sup>45</sup> *Skills: Rural Australia's need—inquiry into rural skills training and research*, House of Representatives Standing Committee on Agriculture, Fisheries and Forestry, 2007, Canberra.

<sup>46</sup> *ibid* p. vii.

<sup>47</sup> *ibid* p. xvii – xxiii.

<sup>48</sup> Australian Bureau of Statistics, *Australian social trends* (cat. no. 6227.0); unpublished ABS data, 2003.

There are currently four VET packages offering extensive training programs specifically relevant to primary production. These include the:

- Rural Production Training Package
- Amenity Horticulture Training Package
- Conservation and Land Management Training Package
- Animal Care and Management Training Package.

Other primary industry packages include the Seafood Industry Training Package, Australian Meat Industry Training Package, Food Processing Industry Training Package, and Racing Industry Training Package.

These packages offer a number of units which include law and legal compliance topics. Certificate level units include an extensive range of topics, some of which cover the practical implementation of legal compliance requirements such as occupational health and safety (OHS) and use of chemicals; others will have legislative and regulatory requirements embedded in subject content such as pests, weed and disease control, animal welfare, and environmental work practices. However, there are no particular VET programs that offer distinct and co-ordinated law and legal compliance training for primary industry, which limits VET's capacity to respond to trends and emerging issues.

Certificate IV, Diploma and Advanced Diploma 'management level' units of competency are characterised by increasing levels of knowledge, interpretation, analysis, application and supervision of others. They require a higher level of understanding and application of laws. Again, some units have a clear legislative basis, such as OHS, while others include legislative components within broader subjects focusing more on the business and management requirements of organisations, and include units of competency such as business structure review and development, managing staff, and managing environmental performance.

Units of competency, with law-related elements relevant to primary production, also exist under other 'packages', for example, there are a number of units within the Rural Business Management Certificate, Diploma and Advanced Diploma courses. Units from other packages such as business services and financial services could also be adapted for primary producers.

An example of other relevant VET units include:

- administer finance, insurance and legal requirements
- implement and monitor enterprise OHS programs
- implement and monitor enterprise environmental policies
- manage environmental management systems
- manage business capital
- manage staff
- manage human resources
- manage estate planning
- manage price risks through trading strategy
- monitor and manage business operations

- negotiate and monitor contracts and commercial agreements
- provide corporate leadership
- support and review business structures and relationships
- participate as a member of an effective board of an organisation
- undertake the role of an individual director of an organisation
- undertake the role of a chairperson at a board meeting.

In addition to Australian Qualifications Framework (AQF) accredited VET courses and units of study, thousands of accredited and non-accredited short courses covering a broad range of subjects are also available from numerous TAFEs, private providers, adult community education centres, and business and industry sector providers. A small number of these short courses target the business needs of primary producers, while others could potentially deliver training for the industry, possibly with some revision.

## FarmBis

The national FarmBis program ended in New South Wales, Victoria and the Australian Capital Territory on 29 February 2008, and 30 June 2008 in all other states and territories, following a decision of the federal government to establish the new Australia's Farming Future Plan.

While it is now redundant, reviews of the FarmBis program offer insights into the training needs of primary producers and raise issues of how to effectively attract participation.

The general aim of the FarmBis program was to provide financial assistance for primary producers and rural land managers to undertake approved training to improve their business and farm-management skills. The most recent FarmBis program delivered business and natural resource management training, and aimed to 'foster a culture of "continuous learning" amongst primary producers, encouraging them to plan for their future training needs as part of their overall business planning'.<sup>49</sup>

FarmBis offered farmers undertaking approved courses a subsidy of 65 per cent of course costs and assistance with travel accommodation and childcare. During the period 1 July 2004 to 30 June 2006, FarmBis provided financial support to more than 12,900 primary producers and land managers nationally for over 17,100 training occasions with approximately 700 training providers offering over 2100 learning activities.<sup>50</sup>

A wide range of courses were available, predominantly delivered by private providers (82 per cent) under the following training categories:

- people management
- financial management
- general business management
- marketing

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<sup>49</sup> AAA FarmBis brochure promoting the 2007 FarmBis program

<sup>50</sup> PricewaterhouseCoopers, *Mid-term evaluation of the AAA FarmBis program*, commissioned by Department of Agriculture, Fisheries and Forestry, November 2006.

- integrated approaches to production
- natural resources management.

To be eligible, training providers needed to demonstrate that the majority of learning outcomes from their training course were aligned with the Australian Qualifications Framework (AQF) Level IV, or above, competencies.

Research undertaken into the FarmBis program focused on factors that affect primary industries' participation in education and training.

An annual national FarmBis participants survey produced in late 2006, which included 1,232 respondents, indicated that:

- 67 per cent of FarmBis participants produced grain, beef, sheep or a mix of these
- 34 per cent of respondents undertaking FarmBis subsidised courses already had diplomas or degrees
- 36 per cent of those who participated in FarmBis activities in that year had also participated in non-FarmBis learning activities
- 31 per cent had a gross farm income of over \$500,000 and 35 per cent had gross farm incomes of \$100,000 to \$500,000
- 50 per cent travelled 60 kilometres or more to participate in training, and of those 33 per cent travelled more than 100 kilometres
- completion rates were high, averaging 93 per cent nationally
- 74 per cent of participants were between 25 and 54 years of age.
- 68 per cent were members of industry or commodity groups
- 61 per cent rated 'suitability of course content to needs' as the main factor for choosing to undertake a FarmBis course
- 18 per cent indicated the costs subsidy as an important factor in their decision to participate.<sup>51</sup>

In terms of the type of management activities participants were most interested in, survey respondents included 'Production Management (57 per cent) and Financial Management (55 per cent) with other categories such as Natural Resource Management, General Business Management and Marketing being cited by between 47 per cent and 49 per cent of respondents'.<sup>52</sup>

A 'mid-term evaluation' of FarmBis provided five key recommendations. The first three related to improving communication, market research and marketing the attributes of the program and of continuous learning. The remaining two recommendations were about improving links with extension

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<sup>51</sup> Solution, *Survey of FarmBis program participants*, commissioned by Department of Agriculture, Fisheries and Forestry, prepared Nov. 2006, pp. 13–27.

<sup>52</sup>ibid p.35.

services and the education and training sector, and supporting business mentoring as an important element of learning activities.<sup>53</sup>

A number of valuable conclusions can be drawn from the FarmBis experience, which may reflect on participation in training in the area of law and legal compliance. A significant proportion of those who undertook FarmBis were tertiary qualified and continue to participate in other formal learning activities. They are generally active in their sector with nearly 70 per cent being financial members of industry and commodity groups. They are also drawn from mid to large holdings and were between 35 and 54 years.

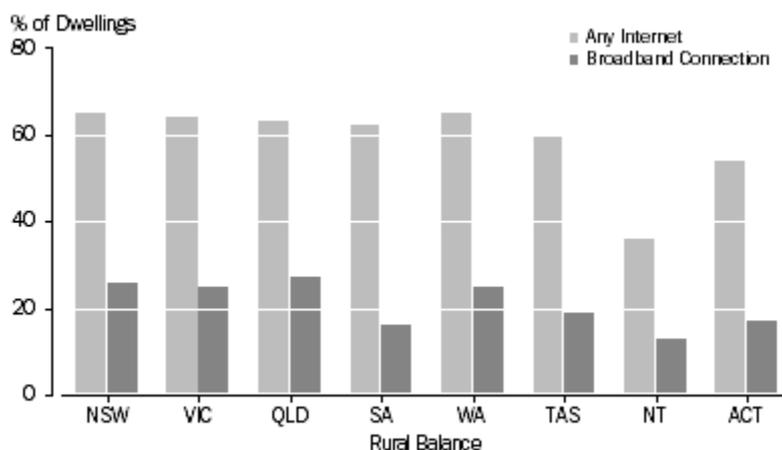
The independent FarmBis ‘mid-term evaluation’ recommendations stressed the importance of targeting marketing activities and using local and industry networks to promote uptake, as well as the need for programs to be high quality and able to adapt to the changing business environment.

## Information communication technology and rural communities

The role of telecommunications generally and the internet specifically in the economic and social development of regional and rural Australia is well recognised. It plays a critical role in people’s communications, transactions, trade and information sharing across regions, states and countries. Effective internet access is also a critical element in delivering a viable online education and training program.

In 2005–06, 70 per cent of all Australian households had access to a home computer while 64 per cent of outer regional and remote households had access to a home computer. In relation to internet access, 63 per cent of metropolitan Australian households and 54 per cent of non-metropolitan Australian households had home access.

**Figure 1 Internet access by private dwellings in rural Australia—August 2006**<sup>54</sup>



Internet usage has grown significantly from approximately 15 per cent in 1998. The number of households using broadband connection almost doubled between 2005 and 2006.<sup>55</sup>

<sup>53</sup> PricewaterhouseCoopers, *Mid-term evaluation of the AAA FarmBis program*, commissioned by Department of Agriculture, Fisheries and Forestry, Nov. 2006, p. 70.

<sup>54</sup> Provided by Australian Bureau of Statistics, 8146.0.55.001, *Patterns of internet access in Australia—2006*, Figure 5.

ABS data indicates a steady increase of computer and internet usage as household income increases and a steady decline in usage as age increases.

ABS information drawn from a survey of 23 per cent of Australian farms on the *Use of information technology on farms*, for the 2004–05 period, indicates that 53 per cent of farmers used the internet as part of their business operation. The size of the business operation had a significant impact on the likelihood of using the internet:

<b>Gross income of farm operations</b>	<b>Percentage using the internet</b>
less than \$50,000	36 per cent
\$150,000 to \$250,000	60 per cent
\$250,000 to \$500,000	72 per cent
\$500,000 to \$1,000,000	81 per cent <sup>56</sup>

More recent figures from the Bureau of Rural Sciences web-based resource, titled ‘2008 Country matters: social atlas of rural and regional Australia’, compared growth in internet use from 2001 to 2008. The research found that there has been significant growth in the number of households connected to the internet, increasing from 35 per cent of dwellings in 2001 to 63.0 per cent in 2006. Access to the internet was highest in major urban centres (66.1 per cent of dwellings, increasing by 25.1 per cent since 2001) and rural areas (63.5 per cent of dwellings, increasing by 28.5 per cent). Access was lower in regional centres (54.8 per cent, increasing by 26 per cent) and small towns (51.3 per cent, increasing by 26.9 per cent).<sup>57</sup>

## **Use of broadband**

The availability of broadband is essential for many commercial activities and a growing number of educational programs. More generally, as identified in a number of recent reports, lack of broadband access has major implications for the economic growth of regional and rural Australia.

The ‘digital divide’ between metropolitan and rural communities has narrowed, but there is still a gap, with many rural dwellers without broadband access equivalent to those in metropolitan areas. Not surprisingly, the 2006 ABS Census indicates that rates of household internet access and broadband connection decreased with increasing remoteness, with major cities having higher rates of internet access (66 per cent) and broadband connection (45 per cent), and very remote areas lower rates (42 per cent and 24 per cent). The Australian Bureau of Rural Sciences estimates that only 24 per cent of remote communities have access to broadband, compared to 46 per cent of homes in major cities.<sup>58</sup>

The Minister for Broadband, Communications and Digital Economy, Senator Stephen Conroy, recognises the importance of broadband for rural communities and has extended the Australian Broadband Guarantee program. This program operates as a safety net for those in rural and remote locations who do not have access to a ‘threshold level’ of broadband while the National Broadband Network is rolled out.

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<sup>55</sup> Australian Bureau of Statistics, 8146.0, *Household use of information technology, Australia, 2005/2006*, 8146.0.

<sup>56</sup> Australian Bureau of Statistics, *Use of information technology on farms, Australia, 2004/2005*, 8150.0.

<sup>57</sup> Bureau of Rural Science, *Country matters: social atlas of rural and regional Australia 2008, interactive social atlas of rural regional Australia*, <http://adl.brs.gov.au/socialatlas/>

<sup>58</sup> Australian Bureau of Statistics, *Australian social trends—internet access*, 4102.0, 2008.

It seems that relatively few rural Australians are aware of the availability of assistance in accessing broadband. According to satellite internet provider 'activ8me', 'most people in rural and remote Australia don't have broadband because they are unaware of their options'. They add that 'many of our customers have only inquired about satellite broadband or subsidised services after hearing about it from friends and neighbours'.<sup>59</sup>

While availability may be increasing, the actual demand for broadband is also increasing at a faster rate in some areas. A report by ACIL Tasman on access for rural Australians 'estimated that unmet demand from the non-covered areas totals 50,709 customers. This represents a 40 per cent increase from the figure reported in 2003. The rising unmet demand indicates that, even though availability has increased, this has been outweighed by the rapidly increasing demand in areas that remain without metropolitan equivalent services'.<sup>60</sup>

A more recent figure quoted in an update produced by ACIL Tasman in June 2006 estimated only 77.47 per cent of regional Australian households had broadband access and there was an increased unmet demand for broadband access to 63,000 Australian households.<sup>61</sup>

## The internet as an education and training tool

The internet is increasingly being used to deliver education and training at both higher education and VET levels. Many tertiary institutions and private providers within Australia offer a range of web-based off-campus programs from certificate to doctoral levels. A large number of peak industry and corporate sector organisations also offer online professional development and compliance training to their members and staff.

However, a comprehensive report produced for the Australian National Training Authority in 2003, *Differentiating needs—customer demand for online training*, suggests that despite the ubiquitous nature of the internet and its potential for online training, the need for delivery in Australia has not been met. The report identified a drop in the number of technical and further education (TAFE) graduates who used online training in their courses in the research period, but indicated the likelihood of a dramatic increase in the development of online training in the immediate future. According to the report, industry research participants indicated that one of the most useful areas for online training was the area of compliance and responding to changing regulations.<sup>62</sup>

The report, which involved 683 survey responses and focus groups, including employers using VET services and employing VET students, also makes some specific references to training for agricultural industry and suggests that, 'The lack of local training facilities combined with the expansion of agribusiness, and the resulting competitive pressure on traditional farm managers to increase cost efficiencies, implement sustainable land management practices and comply with increasing regulation, makes this sector a likely market for online training.'<sup>63</sup>

Expertise in the design and delivery of education and training programs has increased significantly over the last ten years or so. Advances in web-based technologies provide an increasing range of learning tools, more streamlined and effective instructional design and reduced production costs.

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<sup>59</sup> 'Rural Australians missing out on broadband', *Sydney Morning Herald*, 30 April 2008.

<sup>60</sup> ACIL Tasman, *Spend/demand telecommunications in regional and rural Australia: telecommunication markets in Australian local government areas*, prepared for Multimedia Australia, February 2006, p. vii.

<sup>61</sup> *ibid*, *Broadband update* June 2006, p.3.

<sup>62</sup> Flexible Learning Network, *Differentiating needs—customer demand for online training*, Australian National Training Authority, 2003, p. 32.

<sup>63</sup> *ibid* p.39.

The development of web-based education and training for primary industry, as well as its uptake, have, however, been slow. Some of the reasons for this may be to do with practical and economic limitations, the demographics of primary industry participants and what is often described as the farming 'culture'.

The research literature raises a number of factors that limit the development and use of online delivery options. A brief outline of some of the principle 'blockers' to the development and take-up of training, including online training for and by primary industry are as follows:

- preference for face-to-face contact with providers and other training participants
- past experience of training that was inflexible and unresponsive to arising industry needs (supply-driven rather than demand-driven) may deter potential participants from further training
- availability of appropriate technology: low bandwidth continues to be a problem as well as the capacity of home computers, modems, firewalls and software, which are not always up to the task
- computer literacy, including a limited ability to utilise web-based learning activities
- the heavy reliance on text in online training is less attractive to an industry group that generally has not had extensive formal education
- financial imperatives, particularly within the current economic climate, mean that there is a greater focus on activities that have a direct impact on productivity
- the limited market: web-based content can be expensive to develop and maintain, requiring high participation rates to justify its development
- the need for targeted marketing: take-up by primary producers of training and education in general and web-based programs in particular requires more intensive marketing than TAFEs and private providers are used to
- traditionally, those in primary industry learn from peers rather than embracing the notion of lifelong formal education and training.

The experiences of other sectors also reflect similar problems with online delivery. The report, *Effective use of the internet—keeping professionals working in rural Australia*, mentions low bandwidth, telephone costs and limited computer literacy as significant obstacles to those in the health, welfare and teaching professions accessing online training resources.<sup>64</sup> It also highlights online mentoring as an important contribution to the development of rural education.

A research report that examines the uptake of computer-based technology in the area of cropping systems software, *Using computer-based technologies to support farmers' decision making*,<sup>65</sup> presents some core principles which should be considered in the development of web-based technology, including online education and training programs. The report claims that learning is most effective when:

- it is participatory, enabling farmers to share and combine their practical knowledge with formal scientific knowledge

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<sup>64</sup> Rural Industry Research and Development Corporation, *Effective use of the internet—keeping professionals working in rural Australia*, RIRDC publication no. 05/171 December 2006, p. 81.

<sup>65</sup> Rural Industry Research and Development Corporation, *Using computer-based technologies to support farmers' decision-making—a report for the co-operative venture for capacity building*, RIRDC publication no. 07/104, July 2007.

- it is used in the context of one's own farm
- it has credibility and flexibility
- it is used as a way of 'gaining experience'
- farmers are contemplating a change in practice.

The report goes on to say that:

- farm advisers are key candidates for delivering or as delivery agents
- formal impact evaluation is critical to continued growth and success
- the design of learning and evaluation activities should be based on the practical perspective and needs of users 'put yourself in their shoes'.<sup>66</sup>

Delivering training to primary producers online, or at least partly online and partly face-to-face, has significant potential. The technological tools and instructional design know-how to develop training that can, to varying degrees, respond to the factors that inhibit uptake already exist. There are also inherent advantages in delivering training components online: participants can train from home and set their own pace. However, there are infrastructure issues, which are slowly being addressed, and, more significantly, motivational and financial constraints for both potential industry clients and teaching services.

Motivation depends on many factors. In the case of training in law and legal compliance, these include: likely penalties for non-compliance, cost incentives, business management and planning, and production efficiency. Other influences include the activities of industry, the regulators and government departments in supporting the take-up of training.

Marketing is also essential, as well as a commitment by training providers to be respond to emerging training needs and continually evaluate and revise programs where required.

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<sup>66</sup> *ibid* p. x

# Survey findings

## Summary of survey findings

### Who completed the survey?

Of the 349 people who participated in the mail survey, 290 were primary producers, and 59 were rural financial counsellors or agribusiness service staff.

### *Gender and age*

Of the primary producers, 70 per cent were male and 26 per cent female (4 per cent did not specify their gender).

ABS figures suggest the average age of farmers is 52 years. Survey respondents were on average slightly older. The largest proportion of participants were 56 to 65 years of age followed by those in the 41 to 55 and the 65 and over age groups. Only 14 per cent of participants were aged 26 or younger.

### *Education level*

The education level of respondents was considerably higher than indicated by ABS national figures. ABS statistics indicate 31 per cent of farmers nationally have a post-secondary qualification, whereas 53.5 per cent of respondents had a TAFE qualification or university certificate, diploma or degree; 41 per cent of respondents had a secondary-level qualification.

### *Commodity*

The majority of farmers (63 per cent) were engaged in producing a single commodity: beef was the most common (30 per cent), followed by cropping, sheep and meat, wool, horticulture and dairy. These figures vary from ABS statistics, particularly for horticulture, which constitutes 16 per cent of national production activities but was the business of only 10 per cent of survey respondents.

### *State and territory*

The proportion of responses from some states and territories did not match national ABS figures. While responses from Victoria and New South Wales were relative to national ABS figures, Queensland was considerably under-represented and Northern Territory over-represented. Responses suggest that the relevant question was consistently answered incorrectly, which may be due to the survey design. As a result, there has been no cross-referencing of other survey data with state and territory.

## Summary of priority law themes

Mail-survey respondents were asked what areas of law are important to 'improving the operation of the farming business'. They could select from the list of broad law themes, individual topics included under those themes, or both, or nominate their own topics. No additional topics were suggested by participants.

A collation of the total number of nominations given to each of the 11 themes, and the 48 topics listed under those themes, provided the following in order of priority:

- law and finances
- environmental law

- property and planning law
- law and families
- employment law
- law and business
- contracts and agreements
- water law
- dealing with disputes
- animal management and welfare
- GM crops.

Survey respondents nominated a broad spread of topics and themes as important to their business operations. As a percentage of the total number of themes and related topics nominated, there was only a 4 per cent difference between the first theme—law and finances—and the eighth- theme—contracts and agreements—and a less than 10 per cent difference between the first theme and the last—GM crops. As the most frequently raised theme, law and finances received 6 per cent more nominations than the second theme—property and planning law.

There were variations between the results of the mail survey and those of the telephone surveys and focus groups. Employment law, environmental law and water law were raised as priority topics by those involved in the telephone surveys, while contracts and agreements were raised by all the focus groups as the number one priority followed by workplace and occupational health and safety issues.

### **Summary of priority law topics**

Over 6000 nominations were made by mail-survey respondents across the 48 law topics listed within the survey. The most frequently raised topics are as follows.

**Carbon trading**, a topic under the law and finances theme, was the most frequently nominated topic, raised by 46 per cent of mail-survey respondents. A large proportion of cropping and grain producers, mixed farmers and dairy farmers nominating this topic. The topic was of particular public interest at the time of the survey distribution, which may have influenced the priority it was given by survey respondents. Carbon trading is also of major interest to government, with a number of existing programs which may provide opportunities for the development of training programs in this area.

Two other topics under the law and finances theme, superannuation and investment, and taxation, were also nominated by a relatively large number of survey respondents.

**Business structure**, a topic under the law and business theme, was the second-most nominated topic, raised by 44 per cent of respondents. The topic was of particular interest to producers involved in mixed farming followed by horticulture, dairy, beef and cropping farmers.

It was suggested by a number of those consulted that tighter markets, the need for smarter and larger scale production and more complex and formalised business relationships was driving the thirst for greater knowledge in this area.

**Farm-succession planning**, a topic under the law and families theme was the third-most frequently nominated topic, raised by 40 per cent of respondents. A significant proportion of cropping and grain producers, dairy farmers, beef and mixed farmers raised this as an important topic.

Given the complexity of issues and relationships which may come into play in succession planning, skills are required that are not necessarily limited to knowledge of the law and business structures. However, several of those consulted noted that farm-succession planning and the previous topic of business structure are of particular relevance to each other and both topics were raised as areas in which not only primary producers, but also advisors, including lawyers, financial planners and accountants, required further professional development and training.

The related topics of wills, and powers of attorney and guardianship, also under the law and families theme, were nominated by a significant number of survey respondents.

**Employing and contracting staff**, listed under the employment law theme, was the fourth-most nominated topic raised by 39 per cent of all mail-survey respondents. A significant number of horticulturalists, dairy farmers and mixed commodity producers nominated the employment law theme and topics under that theme as a priority.

Recent and further likely reforms in workplace relations together with a move to more ‘formalised’ relationships and increasing regulation and penalties are driving this interest. The other topics under the employment law theme of occupational health and safety, and accident compensation, also drew significant interest from survey respondents.

**Chemical use**, and **native vegetation**, were both topics listed under the environmental law theme, with 36 per cent and 35 per cent respectively of survey respondents nominating these topics. Horticulturalists nominated both topics most frequently followed by beef producers and mixed farmers in relation to native vegetation. For chemical use, cropping and grains, dairy and beef producers followed horticulturalists in expressing the greatest interest in this topic. Noxious weed and pest control was also a topic of interest across commodities.

A greater awareness of our impact on the natural environment and the increasing market demand for a ‘clean and green’ industry, together with concerns for diminishing natural resources, including our vegetation, soil and water, will generate further regulation in this area and greater demand for information and training.

### ***Other topics***

The topics of **contract farming, leasing machinery, share farming, and agistment agreements** listed under the **contracts and agreements** theme were of slightly lower priority for primary producers in comparison to rural financial counsellors and agribusiness services and focus groups, the latter ranking it as most important.

Given the growing complexity of business relationships within the industry and the fact that many of the other topics and themes listed as priorities by survey respondents have contractual elements in them, the need for information and training programs covering content in this area is important.

The topics of **land transfer, right to farm, fences and boundaries, and land subdivision**, listed under the **property and planning law theme** were of particular interest to survey respondents across all commodity groups.

Competing use of agricultural land, conflicts around urban wedges, food security, carbon trading, mineral exploration and mining on agricultural land are just some of the issues creating a greater demand for knowledge and training in this area.

The topics of **dam permits** and **water licences**, listed under the theme of **water law**, were of particular interest to survey respondents: dam permits received the highest number of nominations with 35 per cent of both horticulturalists and mixed farmers and 32 per cent of beef producers selecting this topic.

Topic relating to water law are of broad interest across commodities and are not restricted to irrigators. Relevance of any training programs in this area, however, will be dependent on how successfully information is geared to the varying needs of each commodity.

## **Findings of Rural Law Online analysis**

The *Rural Law Online* website analysis indicated a similar pattern of choice to the national mail survey. The website analysis indicated business structure as a high priority as well as contract law, family law, and issues related to property law.

## **Development of training programs**

Survey respondents and those consulted were asked to answer several questions to determine: the level of interest in participating in training in the themes and topics they nominated; factors which will influence their take-up; interest in online training, and ‘blockers’ to participation online. A summary of the results is as follows.

### ***Participation in law and legal compliance training***

A high proportion of all survey respondents, 88 per cent, indicated they would or may have an interest in undertaking training on the law themes and topics they nominated.

Feedback from mail and telephone survey respondents, focus groups and the Victorian survey, however, indicated that participation in training would be predicated on a number of factors. These included:

- *Time of training*—time of day, seasonal timing, ‘just in time’ training to coincide with issues being experienced
- *Expertise of trainers*—practical knowledge of topic and ability to deliver relevant information
- *Location of training*—preference for face-to-face training and a location close to the workplace to save time.
- *Short courses*—‘short and sharp’ training which focused on providing knowledge that was transferable to farming business needs
- *Cost of training*—while there are cost sensitivities that will affect uptake of training, the relevance of any training program and its impact on the effective management of the farming business will be significant factors which will be weighed up against cost
- *Immediate relevance of training*—survey respondents indicated a preference for training that was responsive to immediate needs but also expressed an interest in pro-active training on emerging issues, for example carbon trading.

### ***Age, gender and qualification***

There were a number of variables identified by an analysis of survey responses which indicated a stronger interest in participating in training:

- as the age of survey respondents decreased
- as level of qualification increased
- on the basis of gender—with women having a greater interest in participation than men.

## ***Accredited training***

Accredited training was not seen as important by a majority of survey respondents. This was also the view of the majority of Primary Industry Skill Council interviewees.

There was also a correlation between the age of survey respondents and interest in undertaking accredited training, with young participants more interested. Level of qualification was also a factor, where those achieving secondary level were less interested in accreditation than those who had gained higher level qualifications.

There are, however, a number of advantages to formal accreditation and streamed programs to cater for both may be appropriate.

## **Viability of online training**

Of primary producers surveyed, 62 per cent indicated an interest in training delivered online or training that had a component delivered online. Of those, most (41 per cent) preferred a component of online delivery. Interest in participating in online training varied according to age, gender and qualifications, with younger survey respondents, female respondents and respondents with a tertiary-level qualification having the greater interest.

## ***Limitations of online delivery***

While there are practical advantages to online training, including flexibility and convenience, a number of factors limited the capacity of primary producers to undertake training online.

The most frequently nominated limitation raised by respondents was a strong preference for participation in face-to-face programs. Engaging with other participants and shared learning were seen as important. Other factors in order of frequency included:

- limited time available to undertake any training
- slow internet connection
- lack of confidence in using the technology
- no internet connection

## ***Importance of orientation***

Comments from survey respondents, focus groups and the Victorian consultations indicated that a mixed delivery model of online and face to face would be viable. Designing programs that took into account slow line speeds and offering introductory or orientation sessions which address a lack of confidence and provide an understanding of web-based tools available to share and expand the learning experience, would be beneficial to prospective training participants.

## **Targeting training programs**

### ***Targeting commodities***

Practical relevance of training was consistently raised as an important consideration for primary producers. To ensure this requirement is met, training must be flexible, able to respond to new and emerging issues quickly and accommodate commodity-specific needs, taking into account variations in emphasis or content which may be required to ensure training participants understand the information within a context relevant to them. This can be achieved by providing generic content on the law and legal principles across all commodities followed by streaming additional practical

activities, based on commodity-specific needs and context. This transition from principles of law to its practical application would be based on an 'action learning' approach, encouraging group activities and discussions, using practical scenarios and case studies, etc., which participants can explore and share.

### ***Farming women***

Both the survey results and consultations indicate the important role played by women in farming businesses and the responsiveness of women to participating in training. Targeting women when designing training programs, including the content, promotional activities and practical issues such as offering childcare, may be both strategic and important considerations in creating accessible training.

### ***'Lifestyle farming'***

Lifestyle or hobby farming is a growing market for training activities. There are opportunities to design and deliver law-based programs that meet the needs of this group, particularly in rural areas closer to metropolitan and regional centres identified as having a significant proportion of lifestyle farmers.

### ***Other rural industries and off-farm income***

While this research has focused on the development and delivery of law training programs for primary producers, there are a range of other rural industries that would benefit from receiving training in the areas of law targeted.

A growing number of farm businesses are also involved in off-farm activities to supplement farm income.

As well as adapting content to suit commodity variations, some content areas could be adapted to meet the needs of other rural industries and the off-farm activities of farming families who may otherwise not have an opportunity to undertake training. Broadening promotional activities, adapting content and utilising the infrastructure developed to accommodate the training needs of other related sectors will also improve the cost/benefit of developing training.

### ***Promotion and marketing of training***

Successful marketing will ensure the take-up of training. This includes strategies that:

- promote the practical, relevant, timely and flexible nature of the training, including the expertise of presenters
- provide compelling reasons for participating, such as the consequences of non compliance, business advantages, etc.
- are innovative in design and target, for example, commodities, women, lifestyle farmers, etc., then actively and directly promote to these groups
- involve collaborations and partnerships with recognised and well-regarded industry and commodity-based organisations.

# Detailed survey findings

## Who completed the survey

### Direct mail surveys

Direct mail surveys were completed by 290 primary producers and 59 rural financial counsellors and agribusiness services.

To gain an understanding of the background of primary producers responding to the survey, a number of preliminary questions were asked which included gender, age and qualifications. Responses were then compared with national trends drawn from ABS national statistics.

**Table 1 Gender of primary producers**

Male	202	70%
Female	75	26%
Not stated	13	4%
Total	290	100%

The proportion of males to females is similar to the national trends identified by ABS statistics. ABS national figures indicate that the gender breakdown between men and women employed in agriculture is 68 per cent men and 32 per cent women (*ABS Year Book Australia*, 2008—1301.0).

**Table 2 Age group of primary producers**

25 or under	0	0%
26–40	41	14%
41–55	83	29%
56–65	96	33%
Over 65	61	21%
Not stated	9	3%
Total	290	100%

The national median age of farmers according to the *ABS 2006 census of population and housing* is 52 years of age. The median age of survey respondents is within the 56 to 65 age bracket. The proportion of respondent over 65 years of age is slightly higher than the national average of 18 per cent recording by the ABS population census. Overall, respondents to the survey appear to be slightly older than the national average.

**Table 3 Academic qualification level**

Primary	Respondents	%
Secondary	120	41%
Tertiary TAFE	56	19%
Tertiary diploma or degree	99	34%
Not stated	13	6%
Total	290	100%

The qualification level of respondents varies significantly from the national ABS figures. While almost 20 per cent of respondents indicated they had gained a TAFE qualification at a certificate or diploma level, 34 per cent indicated that they had gained a diploma or degree level qualification or above. The Productivity Commission, in *Trends in Australian agriculture* (2008), drawn from ABS statistics, indicates that in 2004, 31 per cent of the agricultural industry had a post-secondary qualification (mainly TAFE certificate level) and 6.8 per cent had a university degree. While it is acknowledged that statistics indicate that the number of people with tertiary-level qualifications is rapidly increasing, it is unclear why there were an unusually large number of people responding to this survey with a tertiary degree or diploma other than from TAFE. This may suggest a bias in survey responses, where participants responding to the survey are more likely to have a tertiary qualification and an interest in further training – see ‘Limitations of the survey sample and variability of topics’.

**Table 4 Commodity produced**

Commodity	Single commodity farming	Part of mixed farming activities	Commodity total
Beef	66	46	112
Cropping and grains	24	32	56
Sheep meat	7	48	55
Wool	7	41	48
Horticulture	34	3	37
Dairy	27	13	40
Sugar	4	4	8
Cotton	3	4	7
Poultry meat and eggs	5	1	6
Horses	2	2	4
Pork	1	0	1
Timber	1	0	1
Wine	1	0	1
Bee keeping	1	0	1
Goat meat	0	1	1
Lucerne and hay	0	2	2
Total single commodity	183		
Total mixed farming	96		
Not stated	11		
Total	290		

The table above indicates the commodity or mix of commodities produced by respondents. Distribution of the survey was based on ABS statistics on the proportion of commodity production activities of ‘agricultural establishments’ in each state and territory.

Respondents were asked to indicate all areas of production in which they were involved. A total of 183 of the 290 respondents (63 per cent) indicated they were involved in one area of production only. The remaining 96 (34 per cent) who responded to this question indicated they were involved across a mix of commodity and production activities. A few respondents—11 or 3 per cent— did not specify their areas of production.

While the categorisation of commodities varies slightly from ABS statistics—for example ABS statistics include a category of mixed grain and sheep and beef production—there also appear to be

differences in the breakdown of commodities between the national ABS figures and respondents to this survey.

ABS national figures indicates beef production as the main activity (31.5 per cent), horticulture as the second largest activity (16 per cent) mixed grain, sheep and beef (10 per cent), sheep (9.5 per cent) grain (9 per cent) and dairy (6.8 per cent).

The breakdown of production activities for respondents of this survey also indicates beef as the main commodity, but a larger number of respondents to this survey are involved in mixed farming activities compared to ABS figures and survey respondents involved in cropping and grain, sheep-meat production, and wool production exceeded the number of those involved in horticulture.

**Table 5 State and territory**

State	Response	Distribution
NSW	87	463
Vic	90	375
Qld	10	314
SA	39	164
WA	16	138
Tas	23	45
NT	16	5
Act	1	1
Not stated	8	
Total	290	1505

The overall response rate of 20 per cent was within expectations for the survey. However, the differences in response rates between states suggest a possible error in the survey design where respondents may have mistakenly ticked the incorrect box for their state and territory. This is clearly the case for the Northern Territory where responses exceeded distribution. Unfortunately the ability to determine variations between states in responses to other questions is therefore limited.

## Important law themes and topics

### Summary of findings

Survey respondents were asked to identify the area of law in which a better practical knowledge would improve the operation of their farming businesses.

Participants could select from a list of 11 broad law themes or 48 individual topic areas or both. There was no limit on the number of topics that could be selected. Respondents could also add additional topics if they wished.

When collating the broad themes identified by the 290 primary producers and 59 rural financial counsellors and agribusiness services staff who responded to mail surveys, a broad spread of themes was raised as important.

There was only a 7 per cent and 5 per cent difference for primary producers and rural financial counsellors and agribusiness services staff respectively, between the most frequently raised theme and the least frequently raised theme. For the two groups, law and families, law and finances, and environmental law, were consistently within the top five themes.

When all themes and individual topics for both groups were combined the priorities varied slightly with law and finances the top priority, followed by environmental law, property and planning law, law and families, employment law business law and contracts and agreements .

Once again there was little distinction between the combined themes and topics with only a 4 per cent variation between the top listed theme of law and finances and the seventh theme of contracts and agreements.

Responses from members of the six Primary Skill Training Councils and seven peak grower groups who undertook telephone interviews provided a stronger distinction between themes with employment law issues and environment law as the priority themes followed by water law, and animal welfare law.

The focus groups conducted in Dubbo, Toowoomba, Warrnambool and Melbourne raised contracts and agreements as the main issue and occupational health and safety as an important employment law topic. Environmental law issues and law and finances, succession planning, and alternative dispute resolution, were also raised as priorities.

## Important law themes

Tables 6 and 7 below list the law themes identified by the survey respondents—primary producers, rural financial counsellors and agribusiness services staff—as important to the operation of their farming businesses. Where respondents included at least one topic under each then it has been recorded as a nomination for that theme.

Some themes may be classed as individual topics themselves, for example GM crops, and water law, are not as large in the sense of the sheer range of topics that may come under them, as for example, business law, or law and finances. As a consequence, the overall number of nominations given by respondents to these themes may be smaller.

## Priorities for primary producers

**Table 6 Law themes ranked by primary producers**

Law themes	Responses
Law and finances	230
Property and planning law	207
Employment law	202
Environmental law	202
Law and families	199
Law and business	192
Contracts and agreements	187
Water law	174
Dealing with legal disputes	151
Animal management and welfare	136
GM crops	86
Total responses	1966

The broad theme of law and finances was regarded as the top priority by primary producers with Property and planning law followed by employment law, environmental law, Law and families and business law. With the exception of law and finances, given the broad spread of the 1966 responses received to the 11 law theme options by the 290 primary producers, there is relatively little difference

in the weighting of responses between the second theme of property and planning law and seventh theme of contracts and agreements.

### **Priorities for rural financial counsellors and agribusiness services staff**

**Table 7 Law themes ranked by rural financial counsellors and agribusiness services staff**

<b>Law theme</b>	<b>Responses</b>
Law and families	53
Contracts and agreements	51
Law and finances	51
Law and business	51
Environmental law	50
Property and planning law	50
Employment law	49
Water law	45
Dealing with legal disputes	34
Animal management and welfare	33
GM crops	28
Total responses	495

In response to the question about which topics of law ‘would be valuable for farmers in your area to gain a better understanding to improve the operation of their farming business?’ the 59 rural financial counsellors and agribusiness services staff provided a broad spread with no one theme clearly standing out.

Law and families was raised slightly more frequently than other themes, but the variations in ranking between primary producers and rural financial counsellors and agribusiness services staff between the top seven themes are not of major significance with a relatively even spread across all. Variations between the two survey groups—primary producers and rural financial counsellors and agribusiness services staff—may to some extent be explained by the variations in their areas of interest. The support services, particularly rural financial counsellors, who were the majority of respondents in this group (72 per cent), not surprisingly (given their work with primary producers in dealing with credit and other contractual issues) took a greater interest in issues relating to contracts and agreements.

## Combined law themes and related topics

**Figure 2 Combined law themes and topics by all survey respondents**

**Table 8 Combined law themes and topics by all survey respondents**

Law theme	Responses
Law and finances	796
Environmental law	744
Property and planning law	707
Law and families	656
Employment law	598
Law and business	582
Contracts and agreements	575
Water law	491
Dealing with disputes	422
Animal welfare	362
GM crops	203
Total responses	6136

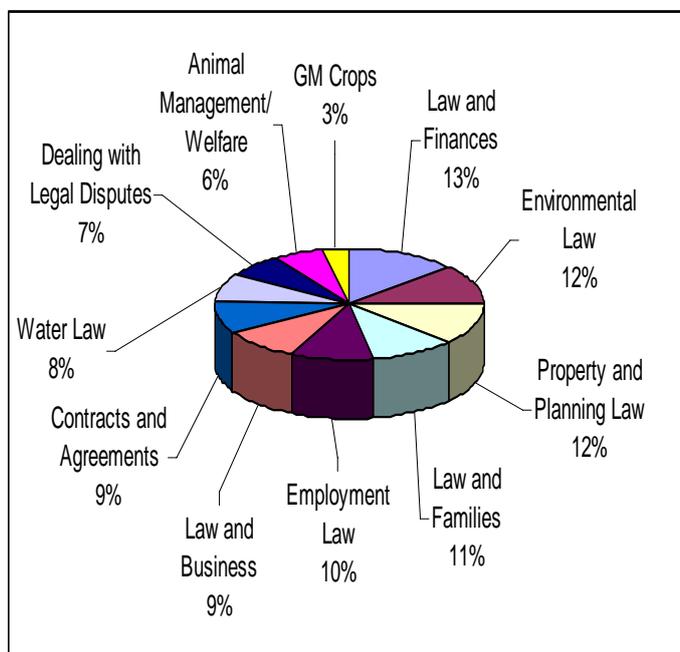


Table 8 represents the combination of all broad themes and the individual topics listed under those themes which have been nominated by primary producers, rural financial counsellors and agribusiness services. A total of 6136 responses were made across the 11 themes and 48 individual topics.

The categorisation of topics under particular law themes has been arbitrarily made; different categories could just as easily have been established. For example, the individual topic employing and contracting staff was categorised under the employment law theme but could equally have been included under the contracts and agreements theme. The categorisations of individual topics under law themes is briefly discussed under the law topic headings below.

The combined groups, themes and topics displayed above, identify the top seven themes as law and finances, environmental law, property and planning law, law and families, employment law, business law, contracts and agreements. Again the spread of themes remains relatively even with only a 4 per cent difference between the first topic and the seventh topic in the overall difference in response rates. While this indicates a broad spread of interest across a number of themes, it also identifies a clear prioritising of themes.

## Priorities for telephone survey respondents

**Table 9** Law themes ranked by telephone survey respondents

Law theme	Responses
Employment law	8
Environmental law	7
Water law	4
Animal management and welfare	4
Contracts and agreements	2
GM crops	2
Dealing with legal disputes	2
Law and business	1
Law and finances	1
Law and families	1
Property and planning law	1
Total responses	32

Telephone surveys were completed by Primary Industry Skills and Training Council representatives from South Australia, Victoria, Northern Territory, Queensland and Western Australia and the members of the Agrifood Skills Council. Seven farming and commodity organisations were also interviewed including, Wool Producers Australia, the Cane Growers Association, Australian Dried Fruits Association, the Sheep Meat Council of Australia, the Grain Council of Australia, Queensland Farmers Association, and Conservation Farmers Inc.

Clearly important law themes for those surveyed include employment law, and environmental law, with water law, and animal welfare, also of interest. There were no additional topics or broad law themes raised by the 13 phone survey respondents other than those listed within the survey.

## Priorities for focus groups

Four focus groups were organised through AgForce Queensland, New South Wales Farmers Association, Victorian Farmers Federation Grains Group and Deakin University Warrnambool Campus. Discussions within each focus group followed survey questions and participants were given the opportunity to establish by consensus priority law topics. It often proved difficult for participants to rank themes or topics, because many were regarded as important, nevertheless, below is a list compiled by participants.

### ***Law themes ranked by focus groups***

#### Queensland AgForce—Toowoomba Focus Group

1. Contracts and agreements
2. Occupational health and safety
3. Financial issues
4. Succession planning

#### New South Wales Farmers Federation—Dubbo Focus Group

1. Contracts and agreements
2. Occupational health and safety
3. Vegetation and natural resource management and environmental law
4. Alternative dispute resolution

#### Victorian Farmers Federation—Grains Council

1. Contracts and agreements (particularly forward contracting, share farming and leasing and agistment)
2. Use of farm chemicals
3. Easements and right of entry
4. GM crops
5. Farm-succession planning

#### Victoria—Warrnambool Focus Group

1. Occupational health and safety
2. Employment laws
3. Environmental laws
4. Farm-succession planning
5. Contracts and agreements

There was a consistency between most of the groups on the topics of contract law, occupational health and safety, and farm-succession planning. Each of the groups raised additional topics in the course of the group discussions which reflect those ranked in the survey responses.

### **Important law topics**

As indicated above, survey respondents could select from 48 individual topics. Some topics are generic and may be relevant to a number of other topics and themes. Taxation, for example, has been categorised under the business law theme but is likely to be an element within a number of other topics including succession planning, superannuation and investment, price risk management, business structures, or environmental and land management (where, for example, taxation incentives exist for the management of vegetation, pests and soil).

Topics are therefore not mutually exclusive to any one theme and could be presented in combination with topics under other themes. When developing content in any of the topic areas or the broad themes listed, information on a number of related topics which are not listed here could also be included, to ensure the material is contextualised and of practical relevance.

The rating given to individual topics also does not necessarily reflect the overall importance of the general law theme. For example, while property and planning law did not include any topics that were individually rated within the top five, the comparatively large number of topic listed under that theme gave it a higher combined total number of responses, resulting in it being the third most nominated theme overall.

The nature of the law is that it changes over time. A myriad of factors can influence the introduction of new legislation or increase the emphasis on existing areas of law. Emerging markets, a reduction in availability of resources, changing government policies and priorities, changing public opinion, biological and climatic factors such as disease, drought or floods, are just some of the elements that can influence the introduction of new laws or focus interest on existing laws.

The ranking of topics within the list below may change rapidly, and new topics may be introduced. To ensure education and training programs are practical, flexible and responsive to industry needs, these changes need to be monitored so that courses reflect current issues.

Table 10 indicates the number of nominations that were given to each topic by both primary producers and rural financial counsellors and agribusiness services. Following the table is a discussion on the eight most frequently nominated topics, which draws on the findings of the telephone surveys, focus groups and Victorian consultations.

Brief descriptions of relevant VET units of competency are included as a footnote at the end of each topic discussion. It should be noted that rather than actual training programs, these are units of

competency which describe the knowledge and skills required for participants to gain accreditation within the AQF (Australian Qualifications Framework). The content of VET courses may vary considerably. There are also a vast range of short courses both accredited and non-accredited which deliver content on at least some of the topics discussed.

**Table 10 Ranked topics of law**

<b>Law topics</b>	<b>Primary producers</b>	<b>RFC and Agribus</b>	<b>Total</b>
<b>Law and business</b>			
Business structure	118	36	154
Insurance	70	22	92
Corporate governance	50	13	63
Export trade	44	12	56
Intellectual property	38	11	49
		Total	414
<b>Contracts and agreements</b>			
Contract farming	74	25	99
Leasing machinery	76	22	98
Share farming	73	22	95
Agistment agreements	69	22	91
		Total	383
<b>Employment law</b>			
Employing and contracting staff	108	28	136
Occupational health and safety	98	23	121
Workcover and accident compensation	95	23	118
		Total	375
<b>Law and finances</b>			
Carbon trading	133	29	162
Superannuation and investment	93	27	120
Taxation	86	20	106
Price risk management	61	16	77
Credit and debt and bankruptcy	46	19	65
Consumer rights	43	12	55
		Total	585
<b>Environmental law</b>			
Chemical use	103	21	124
Native vegetation and land clearing	99	23	122
Noxious weeds and pest control	89	19	108
Soil conservation	78	18	96
Waste and pollution control	58	12	70
		Total	520
<b>Water law</b>			
Dam permits	91	22	113
Water licenses	89	16	105
Transfer of rights	44	13	57
Allocations	47	10	57
		Total	332
<b>GM crops</b>			
Regulation and codes of practice	49	15	64
Food safety standards and labelling	32	7	39

<b>Law topics</b>	<b>Primary producers</b>	<b>RFC and Agribus</b>	<b>Total</b>
		Total	103
<b>Law and families</b>			
Succession planning	108	32	140
Wills	88	22	110
Power of attorney and guardianship	70	20	90
Mediation and managing relationships	50	17	67
Family law	41	13	54
		Total	461
<b>Dealing with legal disputes</b>			
Dealing with government	77	12	89
Neighbour disputes	39	15	54
Using legal services	34	17	51
Making a complaint	41	4	45
Court processes	33	7	40
		Total	279
<b>Property and planning law</b>			
Right to farm	78	24	102
Land ownership transfer	87	13	100
Fences and boundaries	79	12	91
Subdivision	69	16	85
Mining rights	48	11	59
Planning objections and appeals	47	15	62
		Total	499
<b>Animal management and welfare</b>			
Transporting and exporting livestock	60	17	77
Animal disease	65	10	75
Licenses and codes of practice	48	13	61
		Total	213

The responses of primary producers, RFCs and agribusiness service staff indicate a wide spread of interest across a range of areas of law. Their ranking of individual topics makes it possible to determine the priorities given to topics individually and their relative importance under the related theme.

### **A discussion of important law topics**

The eight most frequently nominated topics resulting from the surveys and consultations are outlined below. The way different commodity groups ranked topics is also compared in the tables preceding the discussions of each topic.

## **Law and finances—carbon trading**

**Table 11 Law and finances by commodity** <sup>67</sup>

<b>Commodity</b>	<b>% of commodity nominating law and finances</b>
beef	75%
cropping and grains	87%
dairy	81%
horticulture	76%
mixed farming	86%

The law and finances theme, and topics under that theme, received the highest number of nominations by survey respondents. The most frequently nominated topic under that theme and the topic that received the most nominations overall was carbon trading. This topic held strong interest for both primary producers and to some extent RFCs and agribusiness service staff. Of the combined 349 respondents, 162, or 46 per cent, nominated carbon trading as an important issue.

Other topics nominated under the broad law and finances theme were superannuation and investment, which was the second most nominated topic (34 per cent of nominations, with the highest proportion of nominations from dairy producers, 48 per cent) and taxation, which was the third most nominated topic (30 per cent of nominations, with the highest proportion of nominations from horticulture, 35 per cent). This indicates that the theme is clearly of significant interest to the industry.<sup>68</sup>

When comparing the law and finances theme against the commodity produced, it is evident that all producers of these commodities have significant interest in this theme, with 87 per cent of grain producers, 86 per cent of mixed farmers, 81 per cent of dairy producers and 76 per cent of horticulturalists and beef producers nominating it as an important theme.

No one commodity stands out as leading the interest in carbon trading. Approximately half of the larger represented commodities of beef, horticulture and mixed farming indicate this topic as a priority while a little over a third of cropping and grains and dairy producers indicated it as a priority. It is interesting to note that only four of the telephone survey respondents and one of the focus groups raised this topic as a priority.

### **Background to carbon trading**

A participant of the Toowoomba focus group stated that, ‘Carbon trading is a growing area which no one knows much about. The introduction of the carbon trading scheme will have a big impact on farming and there are potential opportunities, but currently there is no knowledge of how it will work.’ A member of the Western Australian Farmers Federation also stated that ‘a number of farmers are already being approached by overseas brokers wanting to take up extensive areas of land for carbon sink plantations with many farmers unsure of the impact on their properties or long-term consequences.’

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<sup>67</sup> A table on the percentage of each commodity nominating a theme has been included at the commencement of discussions on each theme. Not all commodities however have been included in this table. To ensure percentages are meaningful, these tables include only those commodities with at least 20 respondents.

<sup>68</sup> A number of VET units of competency include elements of taxation but none specific to a primary industry setting. The VET Diploma level courses in Rural Business Management and Diploma of Agriculture include units of competency which cover investment strategies. A number of non-accredited short courses are also available which include investment/financial planning and taxation as a part of their content.

In the future, the requirement to comply with the Carbon Pollution Reduction Scheme (CPRS) will bring many challenges to agriculture, which should be planned for now. Agriculture can already play a significant role in managing emissions as the management of soil, crops and pasture can determine whether they are a source of emissions or carbon sinks. Effectively managed agricultural activities can potentially reap income and business benefits for the industry.

While the science of soil sequestration, particularly in relation to its monitoring and measurements, is in an early stage of development, tree plantations have a significant role to play in the carbon markets trade. Carbon 'captured' by plantation growers can now be traded through the services of carbon brokers.

This new market presents opportunities for primary producers, but it may also present some risks from unscrupulous brokers, and uncertainties because, as yet, there are no market standards or trading guidelines<sup>69</sup>.

Carbon trading agreements can also result in issues relating to pricing, legal implication for future land sales, property title ownership, future loans on the value of the property, plantation maintenance and harvesting obligations, and long periods in which the land may be locked up for plantation purposes, property and planning law, food security, etc..<sup>70 71</sup>

The extent of information available to primary industry on carbon trading is growing, with a range of useful resources produced by state and federal departments of primary industry, natural resource management and climate change, and some extension services being provided through state agriculture and primary industry departments and agribusiness services.

Hands-on training programs specifically designed to deal with the legal implications for primary producers should also be developed to ensure a better informed 'community of interest' about the options available and potential implications associated with carbon trading agreements. Making informed planning decisions about the relative costs and benefits of land use, future emissions off-sets and contracts which can lock up land for carbon trading activities, will require a significant program of education and support for primary producers.<sup>72</sup>

There are also a range of other law-related issues which will have a potential impact on agriculture as a result of climate change.<sup>73</sup>

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<sup>69</sup> ABC News 15 December 2008, Indigenous communities warned over 'carbon-baggers' ABC News website viewed 13 January 2009 <http://www.abc.net.au/news/stories/2008/12/15/2446106.htm>.

<sup>70</sup> Department of Primary Industry Victoria, *Considerations for tree growers before selling their carbon—plantations & climate change fact sheet*, November 2007.

<sup>71</sup> The complexities of determining the status of carbon trading as a 'property interest' and the varying state legislative interpretations are discussed by Associate Professor Samantha Hepburn in a seminar paper, *Carbon rights as new property: towards a uniform framework*, ANU College of Law, August 2008 <http://law.anu.edu.au/News/Hepburnseminarpaper.doc>. Last viewed 14 January 2009.

<sup>72</sup> There appear to be no VET competency units available on this topic. However, the VET diploma level courses in rural business management and Diploma of Agriculture include units of competency which could potentially be used for accredited training in this area or to develop new specific competencies. While a number of professional bodies, investment organisations and corporate training providers are offering training about carbon trading, no independent training at this stage is offered specifically to primary industry. Brief discussions with the National Farmers Federation indicate this is a topic of interest which is currently being investigated for the possible development of future programs.

<sup>73</sup> See discussion on climate change in the 'Climate change and carbon pollution' section of 'Background and literature findings'

The introduction of the CPRS in 2010 will also have a major impact on other rural-based businesses which are not currently exempt and traditionally have less access to legal information and expertise than their metropolitan counterparts. Training programs which address the legal implications of the CPRS and carbon trading for this sector should also be considered.

With a strong reliance on international trade the Australian agricultural industry is competing on the world stage for efficiencies and market advantage and will need to be well informed on carbon trading. The introduction of flexible and responsive training and information programs on carbon trading for the industry are therefore important.

It should be noted that the timing of the industry surveys and media attention may have influenced the relative priority of topics and themes nominated by research participants. The primary producer survey was posted to industry members nationally at a time when the Garnaut Green Paper was produced. Climate change and carbon trading received major media coverage for several months and may have influenced the response rate for this topic. This does not necessarily undermine the importance of the topic but does support the need for responsive and flexible training which is able to respond to emerging issues of concern for the industry. See discussions under ‘Collaboration and marketing’, below.

### ***Law and business—business structure***

**Table 12 Law and business by commodity**

<b>Commodity</b>	<b>% of commodity nominating law and business</b>
beef	58%
cropping and grains	68%
dairy	74%
horticulture	78%
mixed farming	71%

The overall priority given to the broader law and business theme was not high (sixth overall), but a topic within that theme, business structure, was the second most frequently nominated topic overall with 44 per cent of respondents (154) indicating that information on this topic was a priority. The largest proportion of any commodity group that indicated the law and business theme as a priority was horticulture with 78 per cent of respondents, followed by dairy 74 per cent, mixed farming 71 per cent, cropping and grain 68 per cent, and beef 58 per cent.<sup>74</sup> Of these commodities mixed farming had the highest proportion nominating business structure as an important topic, followed by horticulture 38 per cent, dairy 37 per cent, beef 36 per cent, and cropping and grains 33 per cent.

### ***Background to business structure***

Business structures need to be responsive to the rapidly changing and broadly varying needs of individual farm businesses. While a report by Barkley, Foskey and Reeve indicates that family partnerships and sole proprietorships ‘remain the primary types of farm family legal structures within Australia’,<sup>75</sup> it is also clear that structural changes to the industry are influencing the evolution of farming business structures to accommodate these changes. The variations in possible models for

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<sup>74</sup> See Appendix 8 Commodity groups and priority law themes

<sup>75</sup> Rural Industry Research and Development Corporation, *Farm succession and inheritance—comparing Australian and international trends*, June 2007, p. 61.

structuring a farming business and the implications associated with each, necessitate a better understanding by primary producers.

Consideration of appropriate business structures for family farm businesses is, among other factors, often based on accommodating the current and future relationships of family members to the business. A number of telephone survey respondents reported that trusts are increasingly used as a way of managing farm succession arrangements, essentially creating a distinction between ownership of the land and the business. Barkley, Foskey and Reeve also state that there may be a push, particularly by new generation farmers, for ‘succession and inheritance managed through family trusts or company structures’.<sup>76</sup>

Some telephone and focus group participants suggested that, as well as primary producers needing a greater awareness of business structures and their implications for managing the business, professional advisers needed to ensure they are ‘up to speed’ on innovative and flexible structures that suit the changing circumstances of farming businesses.

A participant in the Victorian Law and Legal Compliance Training Needs of Primary Producers survey<sup>77</sup> suggested that ‘while many farmers operate within a trust structure, they often don’t really understand how it works’. Another rural finance industry interviewee stated that ‘people take on a structure on their accountant or lawyer’s advice but don’t really understand what is going on’.<sup>78</sup>

Given the changing business relationships and expectations of family members and business partners, the size of holdings and scale of production, it is not surprising that business structures are seen as an important area of law for the industry. Informed participation of primary producers in discussions with their legal or accounting professional or both is an important prerequisite to establishing a business structure that best suits their individual needs and circumstances. A reasonable understanding by those involved in managing the farming business, of how their business structure works is essential to good management and good relationships both internally between partners and externally with regulators and other businesses.

Training programs that address the various options, their relevance to particular business relationships, and their implications, would be a valuable foundation for an informed and well-managed industry.

### ***Law and families—farm-succession planning***

**Table 13 Law and families by commodity**

<b>Commodity</b>	<b>% of commodity nominating law and families</b>
beef	68%
cropping and grains	71%
dairy	74%
horticulture	54%
mixed farming	73%

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<sup>76</sup> *ibid.* p. 61

<sup>77</sup> Deakin University School of Law, *The law and legal compliance training needs of primary industry in Australia*, February 2008, p. 41.

<sup>78</sup> *ibid.* p.41.

The number of nominations for topics under the law and families theme resulted in it being listed as the fourth highest priority by survey respondents. The greatest interest in this topic was from dairy, mixed farmers, cropping and grain producers and beef producers, all showing a similar level of interest. The topic of farm-succession planning listed under this theme, however, was the third most frequently raised, with 140 respondents or 40 per cent including this topic as an important area of law for primary producers. A comparison of commodity producers indicates that 46 per cent of cropping and grain producers, 41 per cent of dairy farmers, 38 per cent of each beef producers and mixed farmers nominated this topic as a priority.<sup>79</sup>

The topic of farm-succession planning is also clearly related to other law topics relevant to an understanding of farm succession. These topics include wills, business structures, land ownership transfer, superannuation, investment and taxation. For example, of those who nominated succession planning, 69 per cent also nominated business structure as an important topic.

### *Background to farm-succession planning*

Two key factors that have increased interest in this area are aging landholders and the tightening of commodity markets, which has led to a need for larger holdings to maintain viability. The complexity of business structures used to maximise taxation advantages and of arrangements to accommodate decision-making and income distribution, makes this a challenging area for professional advisers as well as the landholder and their family.

Over 90 per cent of Australian farms are family-run businesses. The report by Barkley, Foskey and Reeve, which compares Australian and overseas trends in farm succession, states that ‘unlike other businesses, family farming is characterised by an intimate connection between the farm as a place of work, career and family tradition’. The report further emphasises the importance of succession planning by stating that the way ‘...these families plan and manage the transfer of the farm family business to the next generation is a concern for the whole agricultural industry.’<sup>80</sup> A major recommendation of the report was that ‘The Government persist with and promote farm succession education programs to encourage the movement away from traditional inheritance norms and practices’.<sup>81</sup>

A well-structured succession to the next generation is therefore essential to the ongoing viability of family farms. However, this is not without challenges: there needs to be not only education in matters of law, business and financial structures, but also in the skills needed to work through the often complex and competing interests and priorities of family members. Skills in facilitation and communication should therefore be important elements in any education programs on this topic.

Farm succession can be an emotional issue, and as a number of telephone survey and focus group participants indicated, ill-informed succession planning or the lack of a plan can have devastating long-term effects on farming business and family relationships. Participants in the Victorian Primary Producer Law Training Needs survey<sup>82</sup> emphasised the importance of giving families the ‘tools’ to work through issues associated with succession. A partner in a New South Wales agribusiness and financial planning company indicated in their telephone interview that the extent of ‘hurt’ that can result from succession of the family farm and its impact on the individual and the farming business is little understood or appreciated. A survey undertaken by the company of 100 people involved in the

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<sup>79</sup> See Appendix 8 Commodity groups and priority law themes

<sup>80</sup> Rural Industry Research and Development Corporation, *Farm succession and inheritance—comparing Australian and international trends*, June 2007, p. 1.

<sup>81</sup> *ibid* p.64.

<sup>82</sup> Deakin University School of Law, *The law and legal compliance training needs of primary industry in Victoria*, February 2008, p. 39.

succession of family farms indicated that all had involved or continued to involve conflict between family members.<sup>83</sup>

An online forum on farm-succession planning run by the *Rural Law Online* website, which invited people to post comments or queries to lawyers online, also indicated a substantial measure of dissatisfaction with the outcomes of farm succession.<sup>84</sup>

Effective education programs on farm-succession planning will need to be multi-focused, bringing in a number of disciplines to both empower and inform farming families across a range of important issues. It may also be possible to develop an independent module in ‘mediation and managing relationships’, which was specifically raised by a number of participants in the Victorian research.

Professional development and training in succession planning for legal, accounting and financial-planning professionals was identified as a priority by participants in the telephone survey, focus group, and the Victorian survey.<sup>85</sup>

### ***Employment law—employing and contracting staff***

**Table 14 Employing and contracting staff by commodity**

<b>Commodity</b>	<b>% of commodity nominating employment law</b>
beef	60%
cropping and grains	67%
dairy	78%
horticulture	82%
mixed farming	74%

A total of 136 survey respondents, or 39 per cent, indicated that employing and contracting staff was an important issue. The broad employment law theme is clearly of interest to primary producers, considering the significant interest from survey respondents to the topics it includes—occupational health and safety, Workcover, and accident compensation. This theme was also highlighted by telephone survey respondents as a priority, with more than half raising it as an area in which the industry needed further information.

When correlating the employment law theme with commodity type, over 82 per cent of the horticulturalists, 78 per cent of dairy producers, 74 per cent of mixed farming and 60 per cent of beef producers indicated employment law was an important issue.<sup>86</sup> The specific topic of employing and contracting staff was nominated as a priority by 51 per cent of horticulturalists, 48 per cent of dairy farmers, 40 per cent of mixed farmers, and 31 per cent of beef producers.

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<sup>83</sup> *ibid* p.40.

<sup>84</sup> *Rural Law Online*, ‘Farm succession planning forum’, August to October 2005 <[http://www.rurallaw.org.au/cb\\_pages/successionforum.php](http://www.rurallaw.org.au/cb_pages/successionforum.php)>. Accessed 12 March 2008.

<sup>85</sup> The VET advanced diploma level competency unit ‘Manage estate planning’ includes aspects of identifying and planning for succession needs and acquiring the knowledge and skills to develop and apply a plan. Private providers also provide training in this area, for example CPA Australia conduct a program on best practice in estate planning.

<sup>86</sup> See Appendix 8 Commodity groups and priority law themes

### *Background to employing and contracting staff*

Recent reforms to workplace legislation and the likelihood of continuing reform create significant challenges for large enterprises in this area. Small family businesses are at an even greater disadvantage in attempting to understand and comply with constantly evolving workplace legislation.

Participants in the telephone survey and focus groups pointed to the lack of understanding of the obligations employers have to their employees, suggesting that this was in part due to inexperience of formal employment arrangements, because, in the past, the smaller scale of production meant they had worked alone or with family members.

Others suggested that the employer–employee relationship was not clearly understood because many worked for cash or in reciprocal arrangements with others within their district. The definition of casual and permanent employees was another issue: ‘there was often confusion as to the distinction between a contractor, employee or share farmer relationship’<sup>87</sup>, according to the Industrial Relations and Human Resources Manager of the Victorian Farmers Federation, who participated in the Victorian consultations. Given the above, it would also be appropriate that any programs on employment law should include information on contract law.

One participant in the Warrnambool consultations suggested that ‘there was a sense that farmers could still do as they pleased when it came to employing people ...Part-time and casual workers on farms were perceived by some to be outside employment law.’<sup>88</sup>

The Victorian consultations also raised the related matter of occupational health and safety as a continuing area of concern, one in which industry would benefit from training. This is confirmed by the national surveys and consultations, with 35 per cent raising it as an important topic. The related topic of Workcover and accident compensation was also nominated by 34 per cent of respondents.

Training programs in occupational health and safety are provided by a number of TAFEs and private providers, however, those consulted in the Victorian research project suggested that farmers needed to more clearly understand their OHS compliance responsibilities before they would take advantage of these programs. They claimed that there was a ‘significant lack of understanding and even resentment to compliance by some in the industry’.<sup>89</sup>

The core employment-law issues will generally remain the same across commodities, however, variations will exist in employment issues between commodity types. For example, the participant from the Australian Dried Fruits Association and the Manager of the Victorian Farmers Federation Horticulture Group, both raised immigration and work entitlements as an area of concern for their members. Seasonal picking work may, for example, attract workers without the appropriate work entitlements. Anyone employing such workers faces penalties that have recently been introduced, and this has further focused the attention of employers on this issue.

The problem of skill shortage in rural Australia has been well reported. To attract and retain skilled labour in rural areas, a fair labour market and compliance with relevant laws are essential. It is clearly in the best interests of all parties that employers have a sound understanding of their legal obligations.<sup>90</sup>

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<sup>87</sup> Deakin University School of Law, *The law and legal compliance training needs of primary industry in Victoria*. February 2008, p. 42.

<sup>88</sup> *ibid* p.42

<sup>89</sup> *ibid* p.42

<sup>90</sup> The VET Diploma of Agriculture includes a unit of competency titled ‘Manage staff’, which encompasses competencies in equal employment opportunity legislation, OHS legislation, relevant industrial awards, contracts

## ***Environmental law—chemical use and native vegetation***

**Table 15 Environmental law by commodity**

<b>Commodity</b>	<b>% of commodity nominating environmental law</b>
beef	74%
cropping and grains	54%
dairy	56%
horticulture	88%
mixed farming	74%

Topics under the environmental law theme received the second highest number of nominations by primary producers, rural financial counsellors and agribusiness service staff. Of those topics, chemical use was the most frequently raised, with 124 (36 per cent) nominations, followed closely by native vegetation and land clearing with 122 (35 per cent).

Correlating the environmental law theme with commodity type reveals 88 per cent of horticulturalists, 74 per cent of beef producers and mixed farmers, and 56 per cent of cropping and grain producers nominated this theme as important. When comparing interest in the individual topics, horticulturalists nominated chemical use and native vegetation most frequently (50 per cent and 47 per cent respectively). For native vegetation, beef producers (42 per cent) and mixed farmers (32 per cent) followed horticulture, while for chemical use, cropping and grains (33 per cent), dairy (30 per cent) and beef producers (29 per cent) followed horticulturalists in to the level of interest in this topic.<sup>91</sup>

### ***Background to chemical use and native vegetation***

A number of training programs currently exist in the use of farm chemicals. Successful completion of training is required to be eligible for an Australian Pesticides and Veterinary Medicines Authority—Agricultural Chemical User’s Permit (ACUP), which is necessary for authorisation to purchase, store and use chemicals and fertilisers required for primary production.<sup>92</sup>

Not surprisingly, the topic of chemical use was of particular interest to those from the grains and horticulture industries. The issue of chemical overspray and drift over neighbours’ boundaries and possible legal consequences was the main concern cited by telephone survey and focus group participants.

Greater awareness of our impact on the natural environment, increasing market demand for a ‘clean and green’ industry, together with concerns for diminishing natural resources such as vegetation, soil and water, will generate further regulation in this area. The emergence of environmental management systems and the growing awareness of the important stewardship role primary producers play in managing our natural resources will increase the focus on agriculture and its obligation to comply with

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of employment and unfair dismissal legislation. A number of accredited and non-accredited short courses also offer training in OHS. In addition, short courses are offered by private providers such as BRACE, and industry groups such as VECCI and Australian Industry Group on the industrial relations issues including employment agreements.

<sup>91</sup> See Appendix 8 Commodity groups and priority law themes

<sup>92</sup> VET units in ‘Apply chemicals under supervision’, ‘Prepare and apply chemicals’, ‘Transport and handle and store chemicals’ are provided by a range of TAFE and private training providers

more stringent regulation.<sup>93</sup> However, translating these emerging trends into training that will be taken up by the primary industry, in this and other topics of law, is a challenge that will be discussed in the later section, ‘Collaboration and marketing’.

### ***Contracts and agreements—contract farming, leasing machinery, share farming, agistment***

**Table 16 Contracts and agreements by commodity**

<b>Commodity</b>	<b>% of commodity nominating contracts and agreements</b>
beef	54%
cropping and grains	71%
dairy	78%
horticulture	68%
mixed farming	67%

The topics of contract farming, leasing machinery, share farming and agistment were consistently of interest to survey respondents and focus groups. Leasing machinery received the highest interest across commodities (averaging 30 per cent), with the exception of beef producers (15 per cent). Mixed and dairy farmers had the greatest interest in contract farming (32 per cent and 30 per cent respectively) and share farming (31 per cent and 33 per cent respectively). Beef producers had the greatest interest in agistment law (32 per cent).

The nominations of these individual topics do not however reflect the overall interest in the contracts and agreements theme. The correlation of all nominations of the contracts and agreements theme by commodity groups indicates that 78 per cent of dairy farmers, 71 per cent of cropping and grain producers, 68 per cent of horticulturalists, and 67 per cent of mixed farmers nominated contracts and agreements as an important theme.<sup>94</sup>

The overall importance of the contracts and agreements theme is also somewhat understated by the way in which topics have been categorised. As indicated earlier, categorising topics into themes is relatively arbitrary, and various combinations would be possible in the delivery of training sessions, depending on the focus of the training. It is likely that the delivery of training programs on the top five themes nominated by survey respondents—law and finance, environmental law, property and planning law, law and families, and employment law—and many of the topics under those themes, would include a component covering aspects of the law of contracts.

Rural financial counselling and agribusiness survey respondents and focus groups nominated the contracts and agreements theme as the top priority for the industry.

### ***Background to contract farming, leasing, share farming, agistment***

The Victorian survey undertaken in 2007 also listed contract farming highly (see Appendix 7), along with share farming, leasing and agistment.

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<sup>93</sup> The VET *Rural production* package and *Conservation and land management* package include courses with a number of related units of competency, including, ‘Managing environmental management systems’, ‘Manage the implementation of legislation and review assessments for legislative compliance’. There are also a small number of environment and land management short courses available

<sup>94</sup> See Appendix 8 Commodity groups and priority law themes.

Managing price risk, particularly ‘forward contracting’, was frequently raised by those consulted for the Victorian survey in the context of farmers being unsure of their obligations and the consequences of no longer being able to fulfil these contracts.

It is difficult to determine the overall significance of this topic, as the Victorian research consultations were undertaken at a time when there was considerable media and public attention on the plight of Victorian grain growers experiencing financial hardship as a result of locking in to forward contracts for a large proportion of their production at that time.<sup>95</sup>

As already noted, media attention may have influenced the relative priority of other topics and themes within this research (the national mail survey was distributed at a time when the Garnaut Green Paper was receiving major media coverage).

Industry participants consulted in the Victorian research which identified topics under the contracts and agreements theme as a priority often commented on these topics in relation to structural changes to the industry. The change to larger scale holdings and production methods and a more ‘corporate’ approach to farming meant that relationships needed to be managed differently than in the past with fewer agreements being sealed by a handshake. This extends to a range of commercial relationships such as employing and contracting staff, leasing rather than purchasing equipment, and changes to land-equity arrangements such as share farming, agistment and leasing rather than purchasing land.

The industry also needs to be able to make informed decisions about contractual arrangements in emerging areas, such as carbon trading, water trading and GMO crops, three areas mentioned by telephone survey and focus group participants as potentially creating significant contractual issues. Their ability to do this will in part rely on an understanding of the principles of contract law and an interpretation of terms and conditions.

A number of those involved in both the Victorian and national research projects were concerned about people’s limited understanding of the terms and implications of contracts. One interviewee from a lending institution stated that, ‘Often there is little understanding of the consequences of documentation. For example, approximately 1 in 5 contracts we deal with where guarantors are required include mortgages over the parent’s land ... The implications for the farming business can be devastating when, for example, divorce occurs.’<sup>96</sup>

In some industry areas, legislation obliges parties to formalise agreements to improve transparency and understanding of the implications of the agreements. For example, the Australian Horticulture Code specifies that written agreements are now mandatory in transactions between growers and wholesalers. Consultation with a peak grower organisation, however, suggests that while the use of contractual agreements is growing, confusion exists for many within the horticulture industry about the terms and definitions of the agreements.

Farming businesses, which we have seen are mostly family businesses, often hold significant assets but tend to be cash poor. For many, the income generated from farming does not warrant the expense of seeking individual legal help to draft contracts or examine contracts developed by other parties. Gaining knowledge through training of, for example, industry standards in relation to various types of contracts, the principles of contract law, potential pitfalls, and how to negotiate a contract, would be valuable for primary industry members.

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<sup>95</sup> ABC News 5 October 2007 <http://www.abc.net.au/news/stories/2007/10/05/2051428.htm>. Last viewed 14 January 2009.

<sup>96</sup> Staff member, Rural Finance Corporation, Australia.

Contracts and agreements is an area of law in which the potential market is considerably broader, and could include rural and regional small business generally. As one interviewee put it, ‘these topics would be applicable to not only country businesses but business in the country’.<sup>97 98</sup>

***Property and planning law—right to farm, land transfers, boundaries and fences, subdivisions, mining rights, planning law***

**Table 17 Property and planning law by commodity**

<b>Commodity</b>	<b>% of commodity nominating property and planning law</b>
beef	75%
cropping and grains	71%
dairy	70%
horticulture	68%
mixed farming	75%

Topics under the property and planning law theme received the third largest number of nominations overall from primary producers, rural financial counsellors and agribusinesses surveyed, with the topics of land ownership transfer and right to farm<sup>99</sup> both nominated by 29 per cent of respondents, fences and boundaries nominated by 26 per cent, and land subdivision by nearly 25 per cent of participants.

Correlating the property and planning theme with commodity types indicates that 75 per cent of beef producers, 75 per cent of mixed farmers, 70 per cent of dairy farmers, and 68 per cent of horticulturalists regarded this as an important theme.<sup>100</sup>

***Background to property and planning law***

Topics under the property and planning theme will be more of an issue for some industry sectors, such as those closer to urban centres. The manager of the Victorian Farmers Federation Horticulture Group, who was consulted for the Victorian research project, stated that ‘because quite a few of our members are on the periphery of urban areas which are expanding, there are planning issues with these councils and issues in relation to ‘green wedges’. For example, members have strict guidelines that determine the use of ‘scareguns’, lights and noisemakers that can minimise bird damage to fruit. These guidelines were developed after concerns were raised by non-agricultural neighbours. As the urban sprawl spreads, farmers in these areas are finding it increasingly difficult to remain viable’.<sup>101</sup>

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<sup>97</sup> Warmambool Focus Group participant 10 May 2007, Deakin University School of Law, *The law and legal compliance training needs of primary industry in Australia report*, February 2008.

<sup>98</sup> The VET Diploma of Rural Business Management offers a competency unit titled ‘Negotiate and monitor contracts and commercial agreements’, which includes aspects of negotiating, contract documentation and performance and includes elements of contract law.

<sup>99</sup> ‘Right to farm’ is a concept arising from the growing conflict between urban encroachment and commercial agricultural enterprises and is often associated with noise, odour, dust and use of farm chemicals and fertilisers.

<sup>100</sup> See Appendix 8 Commodity groups and priority law themes.

<sup>101</sup> Deakin University School of Law, *The law and legal compliance training needs of primary industry in Australia report*, February 2008, p. 47.

This opens up broader planning law issues, with comments raised about planning permits and appeals processes, zoning of land, development and building controls, and sub-divisions.

Competing use of agricultural land by farmers and urban developers will ensure a vigorous and dynamic relationship between the various interests. This may arise in a number of guises, including, for example, the major influence investment management schemes are having on the development of plantations on what was fertile, dairying, sheep and cropping land and the additional pressures associated with carbon trading and food security

While not nominated by a large number of survey respondents (18 per cent), discussions with focus group and telephone survey respondents indicated that the rights of farmers in relation to mining was a growing issue, particularly for industry members in states with a lot of mining.<sup>102</sup>

### ***Water law—dam permits, water licences, transfer of rights, allocations***

**Table 18 Water law by commodity**

<b>Commodity</b>	<b>% of commodity nominating water law</b>
beef	60%
cropping and grains	33%
dairy	48%
horticulture	79%
mixed farming	62%

Dam permits were nominated most frequently by survey respondents: 35 per cent of horticulturalists and mixed farmers, 32 per cent of beef producers, 25 per cent of cropping and grain producers, and 22 per cent of dairy farmers. The second most nominated topic under water law was water licences. Not surprisingly, horticulturalists nominated this topic most frequently with 53 per cent regarding it as a priority.

Correlating water law themes with commodity types indicates that nearly 79 per cent of those in the horticulture industry, 62 per cent of mixed farmers, 60 per cent of beef producers, 48 per cent of dairy farmers, and 33 per cent of cropping and grain producers, regarded this as an important topic.

### ***Background to water law***

The growing scarcity of water has had a major effect on the way in which it is valued and the reform of water legislation in each state has affected the way in which water is managed and traded.

The confirmation of title over water and the ‘unbundling’ of water share entitlements can be complex issues. One potential consequence of the separate title to water raised by agribusiness and financial advisers is that wills that do not specifically refer to water entitlement may see water rights going to non-farming family members or shared between non-farming and farming members.

As indicated by the commodity groups who nominated this topic, water law is not exclusively an issue for irrigators. Legislation about dam construction, bores and recycled water, for example, affect other

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<sup>102</sup> The VET *Conservation and land management* package competency unit titled ‘Contribute to regional planning processes’, covers a number of competencies relevant to planning law including land management issues, legislative requirements for regional plans and the planning process, regional planning concepts and natural resource management processes. A number of other units of competency under the *Conservation and land management* package may also be relevant.

farming communities. Developers of training programs should be mindful of the relevance of content to the particular commodity type and location as this will vary. For example, horticulturalists in irrigation districts will need different information about water laws than broad acre and mixed commodity farmers.<sup>103</sup>

## Training

### Participation in training

The table below indicates the responses from survey respondents when asked if they were interested in receiving training on the themes and topics they nominated or, in the instance of rural financial counsellors and agribusiness service staff, if they believed primary producers would be interested in participating in training.

**Table 19 Interest in participating in training**

Response	No	Maybe	Yes
Primary producers	39	119	113
Rural financial counsellors and agribusiness service staff	–	24	32
Total	39	143	145
Percentage	12%	44%	44%

Only 39 primary producers of the 327 respondents to this question indicated they would not be interested. A combined total of 88 per cent of respondents said ‘yes’ they were or ‘may’ be interested in undertaking training on the themes and topics nominated.

Nine of the 16 telephone survey respondents from peak state farmer industry bodies and primary industry skill councils as well as focus group members stated that they believe primary producers ‘would be’ interested in training in the themes and topics nominated and four telephone survey respondents indicated that industry members ‘may be’ interested in training in the topics nominated.

Almost all telephone survey respondents, focus group participants as well as those consulted in the Victorian survey added a caveat to this response which related to the relevance of the topic and the need for active and targeted marketing and flexibility of delivery. Flexibility was raised in relation to ‘just in time’ training—at a time when it was needed, at locations accessible to prospective participants and, where possible, associated with other related activities of commodity and peak industry organisations. There were also comments about the viability of training being dependent on the practical relevance of content, drawing in relevant expertise and providing practical outcomes.

A significant challenge raised by a number of those consulted was the effectiveness of promotion and marketing, which they regarded as critical to attracting the interest of potential participants. Several noted that it is vital to encourage industry members to consider information and training about topics other than direct production improvements as important, and to convince them of the direct relevance of law-related topics in creating a business advantage.

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<sup>103</sup> There appear to be no VET competency units or short courses currently available on water law or related topics.

A number of those consulted raised the current prolonged period of drought as likely to inhibit primary producers participating in training programs of any type. The tighter financial position of many farmers and the necessity to focus on direct production-related activities pose an additional challenge for anyone promoting the relevance and importance of undertaking training in the area of law and legal compliance.

It should be noted here that the level of enthusiasm for participating in training demonstrated by survey respondents may not truly reflect the general interest of the sector, as those more interested in the topic and in training may be more likely to complete and return the survey.

### **Additional variables**

The addition of gender, age and qualification variables in assessing the interest of primary producers in participating in training provides useful information as to who is interested and who may require additional encouragement to participate.

**Table 20 Age and interest in participating in training**

<b>Age</b>	<b>No</b>	<b>Maybe</b>	<b>Yes</b>	<b>Count</b>
26–40	2%	42%	56%	41
41–55	8%	43%	49%	79
56–65	15%	41%	44%	89
>65	29%	51%	20%	55

There is a clear correlation between age and the percentage of survey respondents interested in undertaking training, with younger participants not surprisingly having the greater interest. The overall interest in participation across the 26 to 40 age group is encouraging, with only one survey participant out of the 41 indicating no interest.

**Table 21 Gender and interest in participating in training**

<b>Gender</b>	<b>No</b>	<b>Maybe</b>	<b>Yes</b>	<b>Count</b>
Female	10%	38%	52%	71
Male	15%	46%	39%	190

Gender also appears to have an impact on the level of interest with 52 per cent of female survey respondents compared with 39 per cent of males indicating ‘yes’ they had a firm interest in participating in training. The distinction is less clear when comparing overall interest, with only a 5 per cent difference in the number who indicated they were not interested in training. While the sample appears to confirm other research and anecdotal comments, the sample group size is insufficient to make any absolute comments.<sup>104</sup>

**Table 22 Qualifications and interest in participating in training**

<b>Qualification level</b>	<b>No</b>	<b>Maybe</b>	<b>Yes</b>	<b>Count</b>
Secondary school	17%	50%	33%	114
TAFE certificate or diploma	13%	43%	44%	54
Tertiary diploma or degree	9%	37%	54%	93

<sup>104</sup> See ‘Women on farms’ below.

Not surprisingly, there also appears to be a greater interest in participating in training on the higher the level of qualifications gained. Those who have been involved in tertiary education are more receptive to undertaking further training, although there was still significant interest from respondents with a secondary school level of education, with only 17 per cent indicating no interest in training.

### Accreditation of training

Because accreditation requires adherence to the achievement of recognised competencies and formal assessment activities it, brings with it a structure and mode of operation different to non-accredited training. The motivation for undertaking either form of training may also be different—offering the other form may in fact be a disincentive for some potential participants.

Following the question on interest in participating in training, survey respondents were then asked if receiving accredited training (a formally recognised qualification) was an important consideration. This question received the largest non-response rate with 52 or 18 per cent of the 290 primary producer survey respondents not responding.

The table below identifies trends for primary producer participants about the importance of accreditation.

**Table 23 Primary producers—importance of accredited training**

Importance of accreditation	Count	Percent
No	150	63%
Yes	87	37%

Overall, accredited training was not seen as important by primary producers. Expectations differ between primary producers who have a secondary qualification and those who have a higher qualification: 72 per cent of those with secondary-level qualifications thought that accreditation was not important compared with 58 per cent of those with a tertiary-level qualification. There was not, however, a correlation between the level of importance and level of tertiary qualification gained, with 50 per cent of TAFE level participants regarding accreditation as unimportant and 62 per cent of university level graduates regarding accreditation as unimportant.

As can be seen from Table 24, there was a correlation between the importance of accreditation and age group, with a dramatic drop in the importance of accreditation for the 65 years and over age group.

**Table 24 Age and importance of accreditation**

Age group	Not important	Important
26-40	55.0%	45.0%
41-55	58.1%	41.9%
56-65	60.5%	39.5%
>65	87.8%	12.2%

It is interesting to note that the telephone interviews with peak industry organisation members and several rural industry skills councils indicated they thought accreditation of training for primary producers in this area was not essential.

Only two of the six rural industry skills council survey respondents thought accreditation was important and a motivational factor for those considering undertaking training. There was a degree of ambivalence with a majority of interviewees in response to this question, reflected in a number of comments:

- ‘Our organisation regards it as necessary, but farmers see no point in accreditation.’
- ‘The average age of farmers is in the 50s, so many don’t see it relevant to seek qualifications.’
- ‘Not unless it relates to a particular licensing requirement.’
- ‘Only younger farmers or those looking to change jobs will be interested.’
- ‘Ultimately it’s the information and skill sets they want.’

### ***Discussion on accreditation***

From both the results of the survey and from those interviewed it would appear that for the majority, accreditation of training was regarded as somewhat superfluous to their needs.

The motivation to undertake training will vary for potential participants, and the third of primary producer participants who said accreditation was important to them, should also be considered in the development and design of training programs. Discussions with training provider organisations and the rural skill council members who indicated that accreditation was important, outlined a number of reasons supporting the importance of accredited training, included:

- it allows nationally recognised skills and knowledge to be transferable
- it ensures discipline in design and delivery
- it gives credibility to the information provided
- it rewards and recognises individuals
- it provides a professional standing for the industry.

Other general advantages were raised, including the views that:

- accreditation provided greater credibility for those attempting to establish or grow a business and convince lenders of their expertise
- corporate landowners are looking for qualified personnel to work for them.

It is also likely that industry or government sponsorship of training on law and legal compliance for primary producers will be contingent on accreditation of the program.

When asked which Australian Qualifications Framework (AQF) level of accreditation would be appropriate, it was generally agreed that Certificate 4 or diploma level would be appropriate. This was based on the amount of detail in the content and the manager and supervisor level of application of the knowledge gained, in recognition of the level of responsibility and supervision held by primary producers.

Some participants, however, were concerned that accreditation may in fact be a disincentive for many potential participants, particularly those who have had no involvement in post-secondary education, for whom the notion of ‘being assessed’ and the ‘fear of failure’ may be sufficient to turn away potential participants from undertaking training.

Accreditation should therefore be a consideration for most topics where appropriate. However, programs should be streamed so that those who wish to be accredited may undertake additional work and appropriate assessment to achieve accreditation; those who do not wish to be accredited will be under no obligation to undertake an assessment process.

## Factors in determining take-up of training

Primary producers, rural financial counsellors and agribusiness service survey respondents were then asked the level of importance of six factors when considering whether to undertake training. The level of importance was numbered one to five with one the most important and five the least important. They were free to nominate everything as a five, or a one if they so chose; there were no restrictions. There was also an opportunity to add additional factors.

**Table 25 Factors important to primary producers deciding to take up training**

Factor	Level of importance				
	1	2	3	4	5
Training location is close	49%	33% 82	13%	4%	1%
Expert providing training	58%	28% 86	9%	2%	3%
Training is free or low cost	45%	27% 72	20%	5%	2%
Course is short in duration	46%	33% 79	15%	3%	3%
Provided at a suitable time or day	65%	23% 88	7%	3%	2%
Training is relevant to current issues	27%	27% 54	32%	11%	3%

Table 25 above indicates the frequency with which each factor was nominated by primary producers. The mean for each factor was two and, as can be seen from the table, most respondents gave all factors either a rating of one or two. Timing of training received the most 'ones' followed by expert participation, location of training, short duration, cost and relevance to current issues. Further discussion on the response to each factor is provided under the following sub-headings in order of rating.

### **Timing of training**

#### *'Training is provided at a time of day or time of year which suits my work demands'*

Providing training at a time or day or season that suits primary producers received the highest number of nominations by participants, with 65 per cent indicating this as a one. From the telephone survey discussions, focus groups and the Victorian consultations, flexibility in the timing of training was seen as a necessity to accommodate the requirements of this industry. This was expressed in terms of both the time of day and the season in which training would be provided.

Time of day was important for a number of commodities: dairy farmers, for example, are limited to periods around the middle of the day; other commodities also have their time constraints. The duration of training also relates to availability during any given day, as well as the overall time constraint involved in taking primary producers away from the essential daily farming activities. It should be noted here that online training delivery may create less of an issue in terms of time.

Seasonal timing was also important. Participants would be unavailable for training during particular times of the year, for example, during harvesting, shearing, etc. Similarly, issues arise connected to the seasons. For primary producers, the notion of 'just in time' training in many instances is tied to seasonal factors. Research participants raised several instances of this. For example, share farming agreements tended to take place before the start of the financial year and employment contracts and OHS issues escalate at certain times, such as harvesting.

A number of research participants strongly suggested that succinct and practical training should be offered at times when it is needed. One participant stated, 'a lot of it is to do with timing ... if you get the timing right, people will do it.' Another stated that 'timing is critical for each industry and commodity'.

Timing is also about taking the opportunities presented by ‘hot topics’ or contemporary issues generated by government, legislation, industry and commodity groups, the media or public opinion.

As is evidenced by earlier reports cited by this research, traditional training providers and training advisory bodies are challenged by the need to market and deliver ‘just in time’ training that is personalised, and ‘just enough’ in terms of delivering what is needed within an appropriate format for participants. But unless training, particularly within the area of law and legal compliance, is timely, flexible and responsive to emerging demands, it is unlikely to be viable.

### **Expertise of trainers**

*‘A recognised expert who works in the topic area is providing the training’*

Training in which key industry organisations are involved in the content has greater credibility. Partnering with industry also more effectively draws on the available networks and better ensures that the training reflects the needs of participants by generating practical and relevant content. The resources of industry organisations may also be marshalled to directly promote training to their members, associates and suppliers.

A number of industry members stressed the need for practical hands-on training. One interviewee provided an observation that demonstrates the importance of practical participation from peers and industry in the delivery of information to farmers: at a conference, it was noted that farmers participating ‘would lean forward with interest when a farmer was talking at the conference and sit back when listening to the “academic experts”’.

Many of those consulted emphasised the importance of people experienced in the field participating in the development and delivery of training with statements such as:

‘People are looking for accurate and practical information and will look to existing farming system groups.’

‘While TAFEs provide training in a range of areas, the issue is finding people ‘in the groove’ who can deliver training for farmers. Most training is too generic. To be successful you have to find the right people to develop and deliver.’

‘Credibility of information is important. If management and business decisions are being made, information has to be current, accurate and relevant.’

This also aligns with the House of Representatives report, *Skills: rural Australia’s need—inquiry into rural skills training and research*, which recommended the better utilisation of the knowledge and skills of experienced industry participants in the development of training programs.<sup>105</sup>

Experienced industry participants are, however, not necessarily skilled in structuring and delivering effective learning programs. It is the expertise of program designers and those skilled in delivery of training programs that will add significant value to the learning experience.

Relevant government departments and statutory bodies should also be investigated as potential contributors of expertise and funds for the development and delivery of legal compliance training.

### **Location of training**

*‘The training location is reasonably close to my home’*

Research participants preferred to receive face-to-face training from locations close to their workplaces. This reflects the dispersed and ‘time-poor’ nature of the industry and the greater

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<sup>105</sup> Skills: *Rural Australia’s need—inquiry into rural skills training and research*, House of Representatives Standing Committee on Agriculture, Fisheries and Forestry, 2007, Canberra, p. vii.

commitment required by members of the industry to participate in learning activities. It may, however, also create some dilemmas: delivering training at numerous small venues to a small number of participants may not offer the economies of scale required. While shared learning activities in smaller venues provide greater opportunity to network and explore the context and relevance of the information provided, this will need to be balanced with the financial resources available.

Strategies will need to be considered that respond to this preference, and training programs that offer a component of online delivery may, to some extent, alleviate the issue of cost effectiveness. This will be discussed further.

### **Short courses**

#### *'Courses are of short duration'*

The general view of research participants was that short courses were the most appropriate. 'Short and sharp', 'just in time' units of study which dealt with current issues were regarded as the most appealing to primary producers and most responsive to their needs and time limitations. Some additional suggestions were also raised by those interviewed, including postgraduate programs for recent law and commerce graduates and a complete undergraduate diploma or degree course in law and legal compliance for primary industry.

The level of delivery may vary depending on the complexity of the topic being covered and will also depend on the need for and level of accreditation.

### **Cost of training**

#### *'Training is free or low cost'*

The cost of training to potential participants remains a significant consideration, and particularly so when the industry is currently experiencing drought and increased costs. Industry research participants who were asked for their thoughts on a fee structure provided some consistent responses. It was generally felt that a short-course program with a fee of more than \$200 to \$300 would attract some resistance. A longer 'corporate and business management' program might attract a greater fee of up to \$2000, though it was felt that this would receive much less interest, given the preference for short 'just in time' programs.

In the current climate of drought and a global financial crisis, cost becomes even more important and will affect the likely take-up rate. Strong marketing activities will play an important part in convincing potential participants of the impact that training in this area will have on the bottom line with improved production and income generation.

Ultimately, the fee will, of course, depend on the nature of the program being delivered and extent of subsidy and support available. Given the topic area, the limited market and specialised nature of content, securing the financial support of government and industry may be important to the success of such legal training programs.

### **Relevance of training to current issues**

#### *'Training is relevant to current issues I am dealing with rather than future issues'*

This question was raised to elicit the extent to which potential participants were interested in receiving training on legal issues of immediate relevance as opposed to up coming-issues that will have an impact on their farming activities. While a somewhat indirect question, the response indicates an interest in considering 'pre-emptive training' to equip them with knowledge on future issues that will not necessarily have an immediate impact on their business activities.

New and emerging legal issues that affect farming will continue to arise. Legal issues resulting from the restructuring of agriculture, drought, climate change and tighter natural resource and environmental management, for example, have a profound impact on farming now and will continue to do so in the future. A number of industry research participants emphasised the need for training programs to be responsive to these changes and sufficiently flexible to take up emerging issues and deliver training quickly and within formats that suit participants.

Legal issues may also be of varying relevance depending on the commodity. For example, while laws relating to water will have an affect across the farming sector, issues for irrigators will be different from those involved in dry-land cropping. Programs and content therefore need to be sufficiently flexible to change the emphasis and be able to respond to the varying information needs and of different audiences.

There are significant challenges in attracting participants to training in law and legal compliance and, where opportunities arise, they should be taken up. 'Hot topics' generated by the media, government or industry groups establish the groundwork by creating public awareness of the issues, and provide an opportunity to tie in and deliver training as a response to the issue. As an example, carbon trading is an emerging issue that is likely to create controversy and interest over the next few years. It would be worthwhile to begin to develop content and establish possible partnerships between training providers and key industry players in this area.

Ongoing changes to water laws, state and federal legislation relating to sustainability and natural resource management, the likely further amendment of industrial relations laws, the future inclusion of agriculture in the Climate Pollution Reduction Scheme and the need for an improved livestock industry response to animal welfare issues are just some of the areas likely to affect primary industry in the next one to two years.

Industry research participants also indicated the importance of tying in law training with existing initiatives, particularly by principle industry players, on related topics. This would first require an early awareness of campaigns and initiatives planned by industry and peak bodies on current and emerging issues which have legal implications. Peak industry bodies could then be approached with proposals for law training programs that are a part of their activities or alternatively their support could be sought for independent training programs which complement their activities.

This supports the PricewaterhouseCoopers mid-term review of the FarmBis program which highlighted the 'importance of targeting marketing activities including utilising local and industry networks in promoting uptake, the need for programs to be of high quality and adaptive to the changing business environment'.<sup>106</sup>

## **Online delivery of training**

There are a number of advantages for primary producers in using online training methods. Some principle advantages include:

- **Travel time:** the majority of farmers are 'time-poor'; online delivery reduces the time and cost associated with travel to and from training venues.
- **Self-paced learning:** the flexible nature of delivery allows training to be undertaken at a time that suits participants and over a period that suits their capacities and requirements.

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<sup>106</sup> PricewaterhouseCoopers, *Mid-term evaluation of the AAA FarmBis Program*, Commissioned by Department of Agriculture, Fisheries and Forestry, Nov. 2006, p. 70.

- Targeted learning: like many industries, primary producers want training that is ‘just enough and just for them’. Online training offers the potential to stream training from general principles to practical, commodity-specific examples, case studies, etc., and to varying levels of detail.
- Extra resources: availability of additional cost-free resources, information and material online.
- Sharing: the ability to share information and ideas online with a diverse group, unlimited by geographic distance, is an advantage.

### ***Interest in participating in online training***

Primary producers, rural financial counsellors and agribusiness survey respondents were asked, ‘Would you consider undertaking training online?’ Responses to this question are provided in Table 26 below.

**Table 26 Interest in participating in online training**

<b>Response</b>	<b>Primary producers</b>	<b>Rural financial counsellors, agribusiness service staff</b>	<b>Total</b>	<b>Percentage</b>
Would not consider	105	32	137	42%
Would consider part online delivery	115	19	134	40%
Would consider all delivery online	58	2	60	18%
Total	278	53	331	100%

The combined figures for primary producers and rural financial counsellors and agribusiness service staff indicates that 58 per cent of those surveyed believe at least some level of online delivery of training in this area would be of interest. When exclusively looking at responses from primary producers this figure increases to 62 per cent, with 21 per cent stating they would consider undertaking an entire training program delivered online. Agribusiness service staff and rural financial counsellors appear to be less positive regarding the likelihood of primary producers taking up training online, with 60 per cent stating that primary producers would not consider online training, while 38 per cent of primary producers surveyed provided the same response.

Overall there is what might be described as moderate support for at least some level of online delivery.

### ***Additional variables and online training***

When other variable are introduced including age, gender and qualifications, the data provides further clarity.

**Table 27 Age of respondent and interest in participating in online training**

Age	Not consider	Part online	All online	Number of respondents
26–40	15%	62%	23%	39
41–55	24%	49%	27%	82
56–65	41%	38%	21%	93
>65	68%	20%	12%	56
Total				270

As with responses to the question on a general interest in undertaking training, there is a relationship between age and interest in participating in training online, with older participants less likely to be involved in online training. Within the age groups interested in undertaking online training there is a strong preference for only a part of the training to be undertaken online.

**Table 28 Interest in participating in online training by gender**

Gender	Not consider	Part online	All online	Number of respondents
Female	28%	43%	29%	72
Male	42%	40%	18%	195

Table 28 indicates a greater interest by women in undertaking online training. When combining ‘all online’ and part online’, 72 per cent of women compared with 58 per cent of men had an interest in some level of online training. This may be in part due to a greater familiarity with the use of information technology and computers as well as a generally stronger interest in training as identified in Table 21.

**Table 29 Interest in participating in online training by qualification**

Qualification level	Not consider	Part online	All online	Number of respondents
Secondary	52%	28%	20%	115
Tertiary TAFE certificate or diploma	26%	50%	24%	54
Tertiary university diploma or degree	26%	52%	22%	97

There is also a correlation between level of qualification and an interest in undertaking online training, which supports the survey results identified in Table 22—Qualifications and interest in participating in training.

Gender variations also exist in level of qualifications with 70 per cent of women compared to 52 per cent of men achieving a TAFE or university level qualification. Of those, 50 per cent of women compared to 30 per cent of men gained a university-level qualification.

### ***Limitations of online delivery***

Online delivery provides a number of opportunities and advantages. There are, however, limitations that will need to be addressed before online training is the delivery mode of choice for the majority of primary producers.

When primary producer survey respondents were asked, ‘What factors may limit or prevent your participation in online training?’, the following table outlines their responses. Respondents could nominate as many factors as they wished.

**Table 30** Limitations to participating in online training

<b>Factor</b>	<b>Frequency of factor nominated</b>
No internet	10%
No confidence in using technology	22%
Prefer face to face	54%
Slow internet connection	25%
Limited time for training	35%
No interest in undertaking any training	5%

#### ***Prefer face to face training***

The strong preference for face-to-face training is evident from both the results of this question (54 per cent) and the preference indicated in the tables above for participation in ‘part online’ training.

#### ***Limited time for training***

The full option that survey respondents could tick was ‘I am interested but have limited time to participate in training’. Clearly the time available to undertake any form of training is scarce for primary producers. This was the second most frequently nominated factor (35 per cent). There is potentially a conflict between limited time and the preference for face-to-face training, as online training offers a number of time-saving advantages. Any training programs for this industry, whether online, face to face or a combination, must be designed in a way that recognises the time limitations of this industry.

#### ***Slow internet connection***

The third most frequently raised factor, the speed of their internet connection, arose for 25 per cent of respondents. Dial-up connections remain common for many people in rural areas. Slow connections affect a range of business activities that increasingly rely on the internet for transactions, communication and information.

#### ***No confidence in using the technology***

The option ‘I don’t feel confident using the technology associated with online training’ was a close fourth in frequency with 22 per cent of respondents raising this factor. Further examination of the data indicates that 30 per cent of those in the age group 65 and over raised this as a factor, reducing to 10 per cent of those in the 26 to 40 age group. When comparing genders, there was little difference with confidence in using the technology. Educational background, however, appears to be a factor, with nearly 60 per cent of those who indicated a lack of confidence in the technology having achieved a secondary-school-level qualification compared to approximately 20 per cent of those who achieved TAFE level and 20 per cent of those who achieved a university-level qualification. Effective program

design, marketing and orientation activities are needed to address the lack of confidence as a limiting factor.

### *No internet connection*

Further examination of the relatively small number of respondents who indicated ‘I do not have an internet connection’ as a factor that limits participation in online training (10 per cent), indicates that this was predominately raised by those 65 years and over, with a decline in the number nominating this as a factor as age reduces. No survey respondents in the 26 to 40 age group raised this as an issue.

**Table 31 Age and no internet connection**

Age group	% indicating no internet connection
>65	56%
56–65	32%
41–55	12%
26–40	0

### *Not interested in training*

Of the 13 people (5 per cent) who indicated they were ‘not interest in undertaking any training’, all but one were in the upper two age levels 56 to 65 years and 65 and over.

### **Discussion of online delivery**

Feedback from telephone survey respondents, focus groups and the Victorian research participants as well as the literature findings indicate a number of hurdles to successful online delivery. These reflect many of the ‘blockers’ raised in the literature findings.

Most research participants interviewed indicated a strong preference for *face-to-face delivery* because:

- The nature of the audience and their business meant that they were often isolated; they saw training as an opportunity to meet their colleagues.
- Shared learning experience and group interactions are a more common way of learning for farmers. This was reflected in comments such as, ‘People need to have face-to-face learning; they need to talk to others to explore issues and confirm their response.’ and ‘They want to deal with a person face to face; they want to know the person who is delivering the training.’
- With often limited participation in formal education and ‘lifelong learning’ (deliberate and focused learning), many involved in primary industry would be less inclined to participate in static, text-based delivery.
- The self-discipline required to start an online lesson is a challenge for many farmers working from home, who often have a pressing and continual need to complete tasks relating to production, maintenance, repair, etc., which are just outside the back door. A program that requires participants to leave their farm may have greater success in providing the discipline required.

**Technical capacity** was raised by research participants in relation to the computer literacy of prospective training participants, particularly older participants, which is also reflected in the survey findings. For many research participants, using the internet for training purposes was seen as a significant inhibitor; however, several participants suggested that preliminary training on using the internet and the relevant software programs would negate concerns for many. See ‘Importance of

orientation' below. One interviewee, who is responsible for his organisation's ICT (Information and Communications Technology) services, commented on older clients' hesitancy in using the organisation's online facilities: 'They are often concerned about pressing the wrong button and don't realise it won't all come crashing down. But once they are shown how, they are happy to use it.'

An additional factor raised, which may to some degree be based on age, is the variation in attitude to the *legitimacy of online learning*. The traditional views of training involving attendance at an institution and face-to-face delivery may result in online delivery being regarded as a less legitimate and valuable way of learning.

*Bandwidth* is a significant problem perceived by many of the research participants. Poor line speed and unreliability remain issues for many primary producers in remoter areas and make it difficult to participate in any interactive online activities or download content in formats that require a reasonable line capacity. While this continues to improve as broadband and satellite options become more widely available and less costly, one interviewee stated that 'my current line speed is 28 bits per second. If there is a picture being downloaded then I can get up and do my chores for the day, come back and still wait'.

While a *lack of a computer or internet connection* was raised, this tended not to be presented as a major issue. A number of participants and their associates either had computers with internet access or access could be made through libraries, neighbourhood houses or community access points.

A *blend of delivery modes* was seen as the optimum way of delivering training of this nature to this audience. The majority of interviewees consulted regarded online delivery as a potential component in training rather than the principle form of delivery.

## **Other considerations in delivering training**

A number of other considerations arose from focus groups, telephone interviews and the Victorian research consultations, which are discussed here.

### ***Importance of orientation***

An initial face-to-face orientation process was considered important by several industry research participants. In addition to providing an overview of the program, orientation would provide an opportunity for those who are not particularly computer literate to overcome uncertainties and ensure a reasonably uniform level of skills before the course started. An orientation program also allows for the introduction of other unfamiliar tools and online delivery processes related to e-learning.

Depending on how a program is structured, there may be an opportunity for an introductory 'teaser' session to 'piggy back' on a related industry-initiated program or activity before an orientation process, introducing potential participants to the topic or unit of study and providing an overview of its relevance and importance.

The potential for online delivery to be a principal or partial component of a training program will, to some extent, depend on the topic being proposed. Some topics will be more adaptable to online delivery than others. Success will also depend on familiarity with e-learning tools used in online delivery, for example, discussion boards and workbooks, etc.

Major stumbling blocks, however, remain, and still need to be overcome: effective marketing activities, attracting the interest of industry members with practical and relevant content, issues of line speed and the cost of developing quality online programs for a relatively small market. Good design and functionality and the support of industry are key factors for successful online delivery. The *Differentiating needs* report summarised the core issues as follows:

To service this market [the agricultural sector], online training needs to take into account the highly restricted download capacity of most rural internet connections, as well as the need to build social interactivity into the learning environment in a cost-effective manner.<sup>107</sup>

While this report is now over five years old, current reports suggest reliable and fast internet access remains a major issue for many parts of rural Australia.

As a relatively new learning delivery mode for this industry, it is likely that online programs would need to start on a small scale and build as industry confidence and delivery infrastructure improves. A mixed mode of delivery that included optional online elements, would therefore be a more viable way of responding to the requirements of this sector. As individuals are introduced to online components they will gain greater confidence and become more familiar with accessing educational and training resources and carry forward the skills gained.

The internet is evolving and moving towards a more dynamic and interactive relationship with users. Commonly known as ‘Web 2’, there are a growing range of web-based technologies (social-networking sites, wikis, blogs and podcasts, etc.) which enable collaboration and sharing between internet users. In relation to online learning for the agricultural industry sector, there is an increasing capacity for participants to share information and ideas with each other and with industry experts and champions nationally. Effective web-based discussion formats would therefore provide an opportunity to consolidate practical peer learning, gain valuable advice, as well as foster a ‘community of practice’ or ‘community of interest’<sup>108</sup> between participants, teachers, industry organisations, legal professionals and government.

In broad terms the ‘digital revolution’ continues to evolve and affect our commercial and personal lives, and it is inevitable that—as with other financial and production applications—information and communication technology in the form of e-learning will grow as an important component of increasing knowledge and skills within the industry. The gradual introduction of e-learning to this sector is therefore important in building industry confidence as well as assisting in refining e-learning programs, which take into account the sector requirements now and in the future.

### ***Commodity-targeted content***

Most industry research participants raised the relevance of content and its practical application as of major importance. It is therefore essential, when developing training programs on law and legal compliance, attention is given to where and how commodity-specific variations or emphasis may apply to more general material..

To a large extent the principles of law are generic in nature and can be presented as a core component of training to all commodity groups. To understand how the general principle applies in a particular situation, however, requires real, contemporary, industry-specific examples. Training programs may therefore best be designed in a way that establishes the core principles and then streams further exploration of the topic through examples and scenarios, etc., relevant to the commodity to ensure a clear understanding of how that area of law may apply to the particular circumstances of that form of production.

How streaming may apply will vary according to the topic for which training is being delivered and the location of the training. Some districts or regions may, for example, have a predominance of mixed

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<sup>107</sup> Flexible Learning Network, *Differentiating needs—customer demand for online training*, Australian National Training Authority 2003, p. 39.

<sup>108</sup> A ‘community of practice’ is a voluntary network of people who share a common professional interest or interest in an area of skill, knowledge or competence and collectively build on that existing knowledge, develop expertise and solve problems for a common purpose, driven by the interest of the ‘community’ involved. As distinct from a ‘community of interest’ which is a network brought together around a common area of interest.

farming, which will require a somewhat different approach to more commodity-specific areas, such as horticulture.

Streaming of content requires a flexibility and responsiveness on the part of those delivering the training to the requirements of potential participants. For larger institutions, in particular, this may present challenges and require a move in emphasis from a supply to a demand-driven focus. Sensitivity to local needs is, however, another reason why industry-specific bodies should be invited to collaborate with training providers in the development and delivery of training.

### **Women on farms**

Both recent research reports and research participants have expressed the need to consider the unique role of women on farms when developing, promoting and delivering training programs to the industry. The growing number and importance of women as farm decision-makers is likely to result in a greater interest by women in training related to farming and agribusiness.<sup>109</sup>

One interviewee suggested that, 'Women should also be a focus as they are more receptive targets, because they have more of a focus on business as a business rather than a production unit.' The interviewee also suggested that the female partners in the farming business tend to be more proactive. 'Many have been professionals in their own right, including in the areas of teaching and nursing and are more likely to be responsive to training programs in this area.' This is reflected in the more affirmative response by female respondents to questions on interest in participating in training (Table 21) and interest in online or partly online delivery of training (Table 28).

These comments and survey outcomes reflect the important role of women in agriculture detailed in the report, *Skills: rural Australia's need*,<sup>110</sup> which recorded a number of submissions suggesting that women on farms tended to be better qualified than their partners, more ICT literate, managed the financial and business affairs of the farm and related relevant business information to their partners.

The report also identified a number of barriers to participation, including inflexible delivery options, extensive travel requirements, lack of childcare, and poorly targeted training program content and delivery. Several female survey respondents and telephone survey respondents also commented on the need for childcare at training venues.

Given the recognised business management role played by women on farms and the relevance of many of the priority law topics raised by industry research participants to business management, it is important that any training programs in this area should give consideration to promotion, design and delivery with this group in mind.

### **'Lifestyle farming'**

Lifestyle farming is also a potential market for the delivery of training programs on law and legal compliance. Anecdotally, lifestyle farmers are those who move to rural areas that tend to be on the outskirts of regional centres, taking up relatively small acreages and either undertaking non- or semi-commercial 'hobby farming' activities or niche commercial activities. A recent report *Small lifestyle farms—improving delivery mechanisms for sustainable land management* described this group, who

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<sup>109</sup>In the last two decades, participation of women in agriculture has grown from 26 per cent to 31 per cent. The participation of young women however has declined—Productivity Commission, 2005, *Trends in Australian agriculture*, research paper, p. 102.

<sup>110</sup> *Skills: Rural Australia's need—inquiry into rural skills training and research*, House of Representatives Standing Committee on Agriculture, Fisheries and Forestry, 2007, Canberra pp. 19–23.

have ‘predominantly urban backgrounds, [and] are likely to have different values and aspirations compared with those of their traditional farming neighbours.’<sup>111</sup>

The report also indicated two main areas of interest of lifestyle farmers: ‘business management’, including law-related topics; co-operatives as a business structure; taxation issues; marketing; and ‘conservation and environment’, which would include land management and environmental laws. Issues to do with planning law, particularly land use, and purchasing and subdivision of land were also raised within the report.

The report describes this group as falling into three general categories: ‘green farmers’ who are motivated by environmental concerns, ‘lifestyle farmers’ wanting to escape the ‘rat race’, and ‘beginning farmers’, whose purchase of the land is primarily driven by the wish to farm.

A fourth group not included in this report may be those ‘traditional’ farmers who are retired or semi-retired, who have retained a small non- or semi-commercial area of land and who may be contracting out their services or working off-farm to supplement their income.

Overall, small lifestyle farms may be categorised as a rapidly growing sector, which, according to the report, currently constitute 40 per cent of all farm operations nationally.<sup>112</sup> There may well be opportunities for the development and delivery of training targeting this group and, indeed, utilising their diverse expertise in the development and delivery of training. Further work is required to establish the areas of interest of this group and the potential for delivering training specific to them.

### ***Other rural industries and off-farm income***

There is no exact definition of ‘rural industry’. Definitions vary from being synonymous with the term ‘primary industry’ to including industries involved in handling, treating, processing or packing primary products, and more broadly to include definition of all industries that are located in rural areas. While the principal focus of this report is on primary producers, the market for training programs on law and legal compliance may be much broader. As stated by one focus group participant, many of the priority topics suggested would be applicable to not only ‘country businesses, but businesses in the country’.

The potential training market, apart from primary producers, will depend on the topic being covered. Many of the topics and themes raised as priorities in this report are applicable to other commercial enterprises in rural Australia. Presentations on law relating to contracts and agreements, business structures, employment law, law and finance, taxation and aspects of environmental law, planning law, and property and planning law, would also be relevant to other business in rural Australia.

The size of the enterprise may also be significant. Given the likely level and focus of the training, it would be of particular relevance to small to medium-sized businesses and family businesses in rural areas.

The adaptability of a unit or topic of study to other settings or industries will also depend on its structure. In the main however, the law is generic, applying to all, as are the legal principles applying to each area of law. If content is designed so that generic content on the law and legal principles is delivered and then streamed to apply to particular industries (for example, providing industry-specific case studies, examples, and exercises) training would not only be more adaptable, but could accommodate both commodity-specific variations and the requirements of other rural businesses.

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<sup>111</sup> RIRDC Small Lifestyle Farms, *Small lifestyle farms—improving delivery mechanisms for sustainable land management*, 2007, p.vii

<sup>112</sup> *ibid* p. 13. The report defines small lifestyle farming as rural properties between 5 to 100 hectares and having a low Estimated Value of Agricultural Operations (EVAO).

The Productivity Commission report *Trends in Australian agriculture* (2005) identified women as being more likely to work off the farm. While it has not been a focus of this report, there may be opportunities to develop or adapt training programs to respond to the training needs of those living in rural areas but engaged in off-farm activities. Capturing this broader market would require targeted marketing activities and the collaboration of peak and other recognised industry bodies.

### ***Professional development training for rural professionals***

The development of training for rural professionals providing services to primary industry is, to some extent, outside this report's scope, but is nevertheless worthy of comment.

A number of telephone survey and focus group participants suggested there was a need for training for professionals providing services to primary industry. Most comments related to the legal profession, but in some instances to other professionals such as accountants, financial advisers and agribusiness consultants.

In broad terms, local professional services to rural and regional communities are in short supply. Many believe that the often generalist services that do exist are able to respond to specialist needs. This was often raised in the context of succession planning, an area which requires no specialist accreditation for solicitors or accountants, but, as is evident from the findings of the Victorian report, does require a combination of specialised knowledge and skills.

Other areas of law in which a skill gap in the legal profession was raised within the Victorian report included water law, appropriate business structures for family farms, and contractual arrangements specific to primary producers such as share farming and leasing. It should be noted that this is not a definitive list and that no questions on gaps in legal expertise were asked of research participants.

Professional development training in any of the above topics or others relies on market demand, which may mean that it is unlikely to occur or will only occur where the consequences are significant—either lost market opportunities or penalisation for misinformation. Fostering the development of proactive professional development programs that address the needs of a relatively small market will require a range of strategies and incentives that are likely to include the participation of peak professional and industry bodies and government.

### **Collaboration and marketing**

For many industry research participants consulted, the successful marketing of topics about law and legal compliance 'was going to be a significant challenge'. What is clear from research participants is that, to be successful, training needs to be marketed in innovative ways that are targeted and involve collaborations and partnerships which reflect an understanding of the needs of primary industry for practical, timely and flexible training.

The relevance of law topics also needs to be 'sold', so that industry understands the importance of law and legal compliance not just in terms of penalties for non-compliance but in assisting the better management of their businesses, and improving responsiveness to changing markets and changing society perceptions reflected by new and amended legislation.

Research participants were clear on factors that are likely to influence take-up of training. Responses broadly fell into the categories of promotional activities, collaboration with recognised industry players, responding to current legal issues, and responding to industry requirements. Each of these factors is discussed below.

### ***Promotional activities***

What is clear from those consulted is that to achieve any success, significant resources and effort would be needed in the promotion of relevant training programs. A number of research participants put

the task within the context of grouping potential participants. The groups varied as a proportion of the overall number, but there was general acceptance that there were three core categories:

1. The 'top group'—15–25 per cent were described as the more innovative operators, falling within the mid 30s to late 40s age group, who regularly undertook education and training and recognised the value of training and participated when it was relevant and accessible.
2. Potential participants—viewed as the majority and varying between 40–60 per cent of primary producers, these were described as people who may take up training, if sufficiently motivated.
3. The remaining 10–20 per cent were described as industry members who would not participate in training, preferring to continue with traditional farming activities and relying on personal contacts to gain knowledge in areas they deemed useful.

While it may not be helpful to rely on this form of categorisation, it would seem clear from the impressions of industry members consulted that there is a group of farmers, 'the initiators', who see training as an important part of their business. They seek it out and assess what is available and participate in programs deemed valuable. There is also another group, who most industry research participants described as the majority, who do not work within a culture of formal education and 'lifelong learning' and are unlikely to participate unless external forces motivate them.

One rural training provider succinctly summarised the issue of attracting people to undertake training in law and legal compliance when he stated that 'the challenge in attracting people to compliance training is that there is often little consequence [for non-compliance]. At the end of the day, people who manage carefully get no advantage.' While there may in fact be a range of both tangible and less obvious consequence of non-compliance, these sentiments probably reflect a majority view.

This also supports the literature findings discussed under 'Education and primary production', which indicated that most farmers have limited educational qualifications, prefer less formal learning experiences and focus on activities and information which provide direct results in productivity and farm income.

This middle group or the majority of primary producers represents the main challenge for developing training programs on law and legal compliance issues and, without drawing the participation of at least some from this group into training, the likely success of programs in this area is limited.

The key to successful promotion of training for farmers was summarised by an agribusiness consultant, who stated that 'training needs to be marketed in a way that is sensitive and relevant to farmers and "in the zone"'. Another commodity-specific training provider also stated that 'promotion is a key component to the successful take-up of training by farmers'.

A focus group participant further stated that 'effective promotion and marketing of a training package would be important in an environment where word of mouth and the testimonial are important means of encouraging engagement. So too would be the credibility of the presenter or trainer. Will he or she really understand farming and be recognised as an experienced practitioner?'

### ***Direct marketing***

While the term direct marketing may give the impression of a commercial hard sell and annoying 'cold calls', it may attract primary producers to participate in training programs on law and legal compliance.

Direct marketing is defined for this report as marketing in which:

- the marketer communicates directly with the prospective purchaser, rather than through intermediaries; and/or

- the communications channel supports some degree of interaction between the marketer and the prospective purchaser.<sup>113</sup>

Strategies suggested by many of the industry research participants were premised on the notion that more was required than developing good programs and promoting them through existing education networks. Rather, active and direct communication between prospective participants and those offering training in the above topics and themes was necessary to attract interest. It was also broadly accepted that legitimacy and trust in the value of a training program could best be achieved by involving industry players in the development, promotion and delivery of those programs.

A program manager of the FarmBis Program, administered by the Victorian Department of Primary Industry, noted a significant downturn in participation in the program under FarmBis 3—the third funding term of the program. While the training subsidy to farmers was reduced for this phase of FarmBis, it was suggested that one of the main factors for the reduction in the number of participants at that time was due to the program no longer employing ‘networkers’. As part of the ‘ground-up’ approach taken by the FarmBis program, networkers had been employed to promote the program and provided the ‘channel’ between farmers and training providers, the research and extension sectors, government agencies, and others in the network of parties associated with the development and delivery of training. In addition to promoting the program, the networkers’ activities also helped ensure that courses would be practical and relevant to participants’ needs.

There is also a challenge to compete with a range of other existing training options for primary industry, and to differentiate this training from what already exists. One interviewee started that, ‘You need to identify this training as important or advantageous and different from the others.’

A graphic example of the problem was also made by an interviewee who stated that, ‘Finding out about what courses are on is difficult. When a farmer goes to his letterbox he comes back with a shopping bag full of flyers and promotional material. Getting the message out is the biggest challenge.’

It is unlikely that resources available to any law and legal compliance training programs for primary producers will extend to funding staff to specifically network between the relevant sectors and promote training in this area. It is therefore important to link in with the existing networks and industry organisations with the relevant expertise and credibility, and encourage their participation in the development, promotion and delivery of training in this area.

## **The Rural Law Online experience**

*Rural Law Online* is a free-to-user website primarily targeting the legal information needs of rural Victorians. Managed by the Victoria Law Foundation with the support of Deakin University, and hosted by the University of Ballarat’s Centre for e-Commerce and Communications, the website has been running for four years, providing plain-language information across a broad range of topics of law.

In addition to an introductory chapter on how our legal system works, other chapters on the website include: land and its uses; environment and planning law; business and finance; livestock, pets and wildlife; crops and other produce; vehicles and firearms; employment law; law and families; and dealing with disputes. The website also includes an online forum facilitated by lawyers who provide responses to legal queries posted.

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<sup>113</sup> Roger Clarke, Visiting Fellow, Department of Computer Science, Australian National University, *Direct marketing and privacy*, 1998 <<http://www.anu.edu.au/people/Roger.Clarke/DV/DirectMkting.html>> (accessed 12 March 2008).

The website receives 400 to 600 visits per day and has recorded approximately 500,000 unique visits since its inception in January 2005.

*Rural Law Online* provides a snapshot of issues about which site users most frequently seek legal information, and to some degree reflects the priority issues raised by the research participants. Legal issues can be identified via two main components:

- website pages visited
- keyword search terms.

### ***Limitations of website statistics***

There are limitations on how far this information can be extrapolated. Users of the site are not exclusively those involved in primary industry or rurally based. Given 89 per cent of site users come to the website through a keyword search, the specific topic they are interested in gaining information on is of primary interest as opposed to the broader context of rural law. For example, *Rural Law Online* currently ranks number one for all Australian Google searches of the term 'marriage breakdown'. As a result, this will bring a range of people to the site with no interest in rural legal issues.

This also skews the overall results where more generic issues that affect urban and metropolitan dwellers will be more frequently visited. Motivation for viewing particular topics or pages on the website cannot be ascertained. For example, is a website user seeking information on contracts for the purpose of resolving an issue with an employment-related contract, a lending contract or for another purpose?

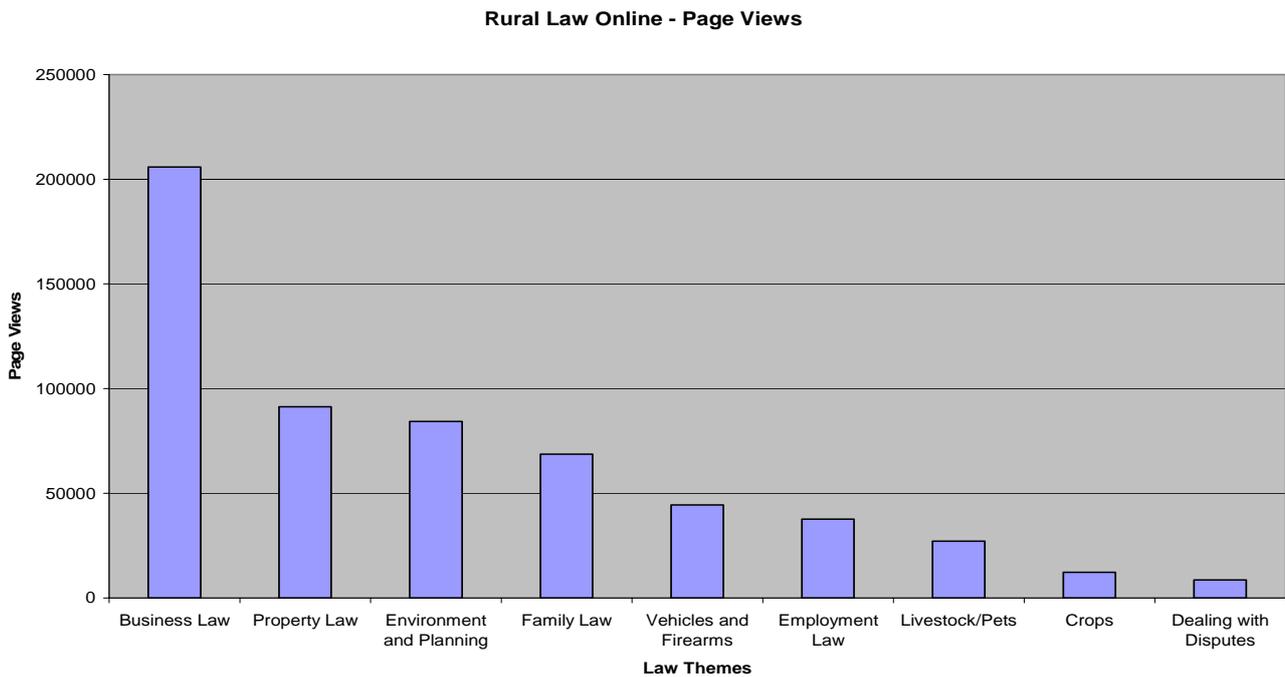
Topics which are not covered on the site will obviously not generate page views or search term results. There is, for example, currently no detailed content on the website on carbon trading (which is soon to be remedied), which will result in no recording of this topic on the site.

However, having raised these limitations, the results of an analysis of data made available by *Rural Law Online* nevertheless provide some useful insight into areas of law and legal compliance raised by users of this unique website.

### ***Frequency of pages viewed***

Google Analytics offers a service to website providers that enables a range of analyses to be undertaken. One of these is by *page view*, which is defined as a view of a page on the website that is being tracked by the analytics tracking code, indicating the extent to which the information on each page is viewed and giving some weighting to the interest of site visitors in particular content areas. Chapters or themes are further divided into a number of topic headings and sub-topic headings. *Rural Law Online* page-view data covers a two-year period, from January 2007 to December 2008. During that time, there were 264,835 unique visitors to the website and 824,691 page views were recorded. The graph below provides an indication of the number of page views received for each chapter or theme covered by the website.

**Figure 3 Rural Law Online—most frequent page views January 2007 – December 2008**



Business law, which represents the largest volume of content on the website, received by far the most page views (205,828). The most frequently visited pages within this theme were: law of contracts (8381 page views), followed by franchise (5770 page views) and three other business-structure related topics—types of companies, dissolving partnerships and disadvantages of companies, totalling almost 14,000 page views between them.

The second most frequently visited theme of property law, which received a total of 91,269 page views, included crown land (6383 page views) as the most frequently visited topic, followed by fences (6193 page views), share farming (5075 page views) and agistment (5538 page views).

Environmental law closely followed the property law theme with 84,363 page views. Top topics under this theme included pollution control (5333 page views), water pollution (4358 page views), land pollution (3599 page views) and vermin control (3535 page views).

The top topics under the remaining themes included:

- family law—relationship breakdown (12306 page views)
- vehicles and firearms—firearms (10273 page views)
- employment law—anti-discrimination in employment (3287 page views)
- livestock and pets—introduction page (4603 page views)
- crops—food standard and safety (1887 page views)
- dealing with disputes—general principles (3467 page views)

### **Keyword search terms**

As indicated, 89 per cent of visitors to the website arrive via a search engine keyword search. Over the two-year period 111,824 key terms were generated by external website visitors. It should be

emphasised that these results reflect a match between a number of variables which may influence the likelihood of internet users arriving at this site as a result of a keyword search. See footnote.<sup>114</sup>

**Table 32 Rural Law Online—top 12 search terms**

Search term	Visits
types of companies	2,107
contract law	1,800
trusts	1,785
civil cases	1,388
share farming	1,258
assessable income	1,188
marriage breakdown	1,171
water pollution	1,107
relationship breakdown	1,074
land pollution	1,071
dissolving a partnership	1,011
agistment	1,002

Having provided these caveats, the *Rural Law Online* data collected on keyword searches shown in Table 32 above, not surprisingly reveals a consistency with the results of the page-views analysis, with the top 12 search terms relating to the themes indicated as priorities in the website page-view analysis. The search terms ‘types of companies’, ‘trusts’, ‘dissolving partnerships’, ‘assessable income’ and ‘contract law’ align with the most frequently viewed business law theme pages, followed by the terms ‘share farming’ and ‘agistment’ under the property law theme, ‘water pollution’ and ‘land pollution’ under the environmental law theme and ‘marriage breakdown’, and ‘relationship breakdown’ falling under the family law theme. The search term ‘civil cases’ directs visitors to the section of the website dealing with court processes.

Further analysis of a broader sample of the top 100 search terms used indicates a consistency of results with business-structure related terms being the most frequently used, followed by search terms relating to contract law, property law, family law and environmental law.

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<sup>114</sup> Two principle variables include:

1. The effectiveness of the *Rural Law Online* website and its meta tags to ensure a high order ranking with major search engines, when web users undertake an internet search using this term. Equally, other keywords searches relevant to *Rural Law Online* may direct users to other sites that have higher search engine rankings.
2. A match between the term used by web searchers and those meta tags used by the website. Other keywords may also have been used to locate the same content. While *Rural Law Online* primarily provides a service to rural Australians, this is not recognised by search engines when directing internet users to the site on the basis of a keyword search term. As a result, website users will be drawn from all parts of Australia and internationally.

### **Summary of Rural Law Online findings**

There is a correlation between the findings of the national mail surveys and consultations with the data drawn from the *Rural Law Online* website analysis, though there is not a complete alignment between the two. Not all topics represented in the survey (Table 10), however, are included in the *Rural Law Online* website, which will affect the results, the most notable being carbon trading, which was the most frequently nominated by survey respondents.

When comparing the most frequently raised topics in the survey with the website analysis, business structure is recorded as a high priority for both—rated second to carbon trading in the survey and the most frequently raised topic by the website analysis. Topics related to contract law are frequently raised in both the website analysis and the survey, though less so by survey respondents. Issues related to family law and property law are also given a high priority by both the survey and website analysis. Finance-related law is given a high priority by survey respondents but a lower priority by the website analysis. Employment law issues are also given a higher priority by survey respondents than the website analysis.

# Recommendations

This research project offers an opportunity to reinvigorate the delivery of training to primary producers. The model emphasises practical, engaging, flexible and responsive training, which draws on collaborations between industry organisations, topic experts and educational design and delivery experts.

Below are broad recommendations for the areas of law in which training should be delivered and a model to develop and deliver law and legal compliance training to primary producers. The final training model adopted will largely depend on a range of factors, including the program topic or theme to be delivered, the characteristics and requirements of targeted participants, the financial resources available for the design and delivery of the training, and the need for sponsorship and funding organisations.

The proposed model is based on the research findings, the Training Program Design Focus Group discussions, and feedback from the Victorian research project consultations. Recommendations are as follows.

## Topics

All of the broad law themes and single-issue topics identified in Table 10 have the potential to be developed as training programs for primary producers. Survey responses indicated a relatively small variation (7 per cent difference) between the top theme of law and finance and the bottom theme of GM crops. The broader law themes are likely to remain constant areas of interest.

Single-issue ‘hot topics’ are current and topical and therefore their priority status may change rapidly as new issues emerge, legislative changes occur and industry focus and public opinion changes. Single issue ‘hot topics’ that are contemporary legal issues related to one topic of law, should be offered as stand-alone subjects. Successful delivery requires that training is both timely, responding to current and emerging needs, and practical, providing the specific information required within a context relevant to participants’ experiences. These subjects would generally not require accreditation unless strong alignment with units of competency already exist, and registration can quickly be established.

## Program format—recommendations

- Delivery should be in a mixture of modes, principally through face-to-face delivery, acknowledging the ‘time poor’ nature of this sector in committing to classroom activities.
- Face-to-face delivery should, as much as possible, employ an ‘action learning’ approach, including participants in discussions and practical problem-solving exercises to build a practical understanding of the relevance and application of knowledge.
- Optional online activities are to be encouraged, including interaction with other participants, trainers and topic experts, online information searches, course assessment and a law alert service. Online components should build on the learning experience and create an ongoing shared ‘community of practice’.
- Other delivery methods such as video conferencing and CD-ROMs should also be considered, depending on availability of resources, infrastructure and technologies, and participants’ ability to access these.
- An orientation program should be included, introducing participants to the program and any internet or other ICT learning tools.

## **Program design and format**

### **Face-to-face interaction**

Face-to-face interaction has been clearly identified as the preferred form of delivery and should remain the principal mode for a proposed program. This, however, should not be restricted to a static teacher or presentation format. An ‘action-learning’ approach is preferable, in which people learn through practical problem-solving activities closely connected with the job. Group activities using case studies and other problem-solving techniques that focus on current issues for industry members will take better advantage of their preferred, less formal, learning mode. Under this approach participants are provided with the core information required and then, through the guidance and support of the trainers, build a personal context and relevance to the information provided.

### **Online delivery**

Online delivery offers significant opportunities, however, slow line speed or narrow bandwidth, lack of confidence, poor computer literacy and a ‘low tolerance’ for text-driven learning, potentially limit the capacity for effective online delivery. However, the ongoing roll-out of broadband, the wealth of plain-language legal information available on the internet, its time-saving advantages and its ability to be quickly updated, together with its capacity to enable the sharing of information within ‘a community of practice’ across vast distances—mean that it is a valuable learning tool that will be a core component of future learning activities for this industry.

A law and legal compliance training program has the opportunity to be at the vanguard in building expertise and confidence in the delivery of online training to this industry. While participation in an online component would be encouraged, this should not be at the expense of those unwilling or unable to participate in a program with an online component and should not be essential to successful completion of training.

Preliminary class-based orientation sessions on web-based legal resources and web learning and information-sharing tool should be provided to those interested to ensure a level of skill and confidence is achieved, sufficient to participate in online components.

Further assessment will need to be undertaken to determine the most appropriate use of online tools, however, some online activities which may be utilised include:

- participant interaction with content experts and other participants through online forums (asynchronous) and chat rooms (synchronous)
- individual and group exercises and activities—led by trainer
- researching information on law and legal compliance issues
- optional course assessment activities for accreditation—monitored by trainer or RTO (Registered Training Organisation)
- a law alert service, notifying participants of relevant new legislation and changes to legislation.

Consideration should also be given to the inclusion of CD-ROM-based content and videoconferencing facilities when developing training programs. The mix of face-to-face and ICT tools in the delivery of training may vary according to the resources and infrastructure available, the topic being delivered and the capacity of participants. Flexibility of delivery modes, which accommodate the needs and capacities of participants, should be a paramount consideration.

## Content and design

### Content and design—recommendations

- Training must be practical, relevant and appropriately pitched at the capacities and learning style of participants.
- While core legal content can be developed as generic information across commodities, exercises and other learning activities should be streamed to accommodate the context and needs of individual commodity sectors.
- Training in current ‘hot topics’ should be responsive to contemporary and emerging legal issues for the industry, utilising industry programs and events and the media for promotion; it should be delivered promptly.
- Practical resources that will assist participants in utilising the training should be included as part of the program. For example, resources such as checklists, guidelines, standard form documents and letters, and lists of services and resources should be provided. In addition, post-training resources and networks that offer an opportunity to build on the ‘community of practice’ should be encouraged and facilitated.
- Participation of topic and industry experts in the development and delivery of training programs is important.
- Laws change and the accuracy of core legal information being delivered within training programs is paramount. It is recommended that a single source agency be established with the responsibility to update core training program content, drawing on industry expertise for assistance and making it available online for training provider organisations and relevant others to access.

The following design and content considerations apply to both the broad legal themes and ‘hot topics’ programs.

#### ***Reflecting participants’ capacities***

Content development should take into account the demographics of this industry including average age, formal education level, learning style and ‘culture’ of the targeted participants when determining the level of content and overall structure of the program.

#### ***Include industry experts***

To ensure the relevance and practicality of law and legal compliance training programs for primary producers, it is essential that industry and topic experts participate in the program design and content development.

#### ***Stream content***

As the law and legal principles remain the same across all commodity sectors, core legal content should remain constant. However, it is essential that a practical context which is relevant to the circumstances of particular commodity group or sectors is provided.

To accommodate differing producer requirements, it is proposed that activities, exercises and case studies are developed and streamed on the basis of commodity sectors and where possible include relevant regional and district variations.

## ***Practical and relevant resources***

All content should be developed with an emphasis on its practical application. Additional resources that are useful to participants, which can be used in the course of their business activities, should also be provided. These may include, for example, checklists, sample pro-forma documents and reference information on additional resources and services available. This material should ideally be provided in a digital format, either available on the web or on CD-ROMs as PDF or Word documents, which can then be adapted by participants for their own purposes.

In general, additional material and support should be provided following the completion of face-to-face components, as opposed to pre-training preparation and reading. The uptake of unsupported offsite activities is only likely to occur once there is 'buy in' by participants, once they appreciate the value of the subject matter offered.

## ***Industry involvement***

Responsibility for overall delivery should remain with the RTOs (Registered Training Organisations) providing the training, who should hold, at a minimum, Certificate 4 in Assessment and Workplace Training. However, the participation of topic experts and industry representatives in delivery further ensures the relevance and 'legitimacy' of programs. The design of programs should therefore ensure participation of topic and industry experts in relevant components of the program. Topic experts should be familiar with the program's content and learning objectives so that they do not 'stray' too far from the aims of the program.

## ***Maintaining content***

Laws constantly change and new laws are enacted, which means there are significant risks to relying on individual training provider organisations without legal expertise to ensure content is accurate. To ensure content remains accurate, it is proposed that a single source should be responsible for the revision and updating of core legal content within a program of study, which can then be accessed online by training provider organisations for adaptation and delivery. Content can also be made publicly available to alert the industry of legislative changes and new laws which will affect their farming businesses. Deakin University is well positioned to provide the legal expertise and act as a broker to seek the expertise of those working in relevant specialised legal fields and would consider undertaking this role subject to funding availability.

## **Level and accreditation**

### **Accreditation—recommendations**

- Accreditation should be offered as an option with an additional assessment component for those wishing to be accredited. Where accreditation is proposed, it is recommended that this should be established at a minimum AQF Certificate 4 level.

As outlined under 'Topics', it is proposed that training be offered for both broad legal themes and stand-alone 'hot topics'.

The broad legal 'themes' such as 'law and finances', 'environmental law' and 'law and business', should be considered as optional accredited training. Content should generally remain the same for those wishing to undertake accredited or non-accredited courses. Where proposed training themes align with AQF competencies, an additional assessment component (aligned with the requisite AQF units of competency) should be made available to those seeking accreditation.

Given the likely nature of content and the management or supervisory level of participants, AQF Certificate 4 is the most appropriate level of accreditation. As participants will be drawn from active

industry members with a good practical understanding of their business, advanced standing arrangements should be considered in both the level of content and recognition of prior learning.

As accreditation will depend on the ability to match content requirements with VET units of competency, this may have an impact on the emphasis and level of content proposed to be covered. However, relevance to the industry is vital, and should not be sacrificed to achieve alignment with competencies required for accreditation.

## Duration

### Duration—recommendations

- Training on broad law themes should not exceed four sessions of four to six hours each.
- Hot-topic training should be limited to one session of two to six hours.

The duration of a training program will depend on how much content needs to be covered, accreditation requirements and, primarily, the time available to participants.

As a general rule, programs should be succinct and ‘to the point’. Given the significant time limitations of most people involved in primary production, extended programs are likely to limit participation.

It is therefore proposed that:

- **broad legal theme** programs should not exceed four six-hour sessions of face-to-face delivery, reflecting the limited time available to those in this sector and their inability to commit to long periods of classroom work.
- **‘hot topic’** programs should range from two to six hours, ideally in one-off sessions (including face-to-face delivery, exercises and activities).

## Timing

### Timing—recommendations

- Training should be responsive to the workday commitments of those in particular commodity sectors.
- Training should be sensitive to seasonal demands on potential participants and seasonal opportunities when the information is required.
- Training should be ‘just in time’, responsive to emerging legal issues and public interest.

Timing is particularly critical to the promotion, development and delivery of the ‘hot topic’ programs. Promotion should ideally take advantage of media coverage of topics in which public interest is raised and align with government information and awareness activities or industry activities for members about the topic or area of law.

The introduction of all programs should be ‘just in time’, responsive to factors such as the seasonal relevance of particular topics, and seasonal and other limitations in relation to the time of day at which potential participants may be able to attend training sessions, for example dairy farmers will generally be limited to sessions between 10 am and 3 pm.

## **Location and venue**

### **Location—recommendations**

- Face to face training should be delivered as close as possible to participants' business operations.
- Innovative selection of appropriate local venues can further emphasise the practical relevance of content.

Ideally, training should be delivered within close proximity to potential participants' workplaces. In some instances RTOs will have facilities available within the communities they service. In other settings, 'workplace training' venues will need to be established within local communities, utilising community, local government, NGO and commercial facilities. Some classroom facilities may be required, including computers and internet connectivity.

The selection of a location can be an important way to increase the relevance and practical nature of the training, allowing participants to 'kick the dirt' and better understand the context of content being delivered.

## **Targeted marketing**

### **Marketing—recommendations**

- Sufficient resources should be allocated to active marketing of training, and a strategic marketing plan developed and implemented.
- Promotional activities should be innovative, targeting traditional and new potential markets, and making use of media coverage of current and emerging issues and new legislation as well as government-based awareness programs.
- Marketing activities should promote industry partnership in the program and, where possible, utilise their member networks.

Effective marketing is integral to the provision of a successful program. Attracting primary producers to participate in training on law and legal compliance requires proactive general and targeted marketing. Sufficient time and resources need to be allocated to this task by training provider organisations, and a strategic marketing plan should draw on existing industry, government and media networks.

Industry commodity sectors should be involved in promoting the training; recognised key players should participate in the development and delivery of training, and there needs to be timely promotion responsive to current legal issues that are in the 'public eye' if the promotion and marketing of law and legal compliance training programs are to succeed. Local champions are also important, as word of mouth remains one of the key incentives for this sector in making members aware of, and gaining credibility for, such training programs.

Not only traditional sectors should be considered. There are emerging opportunities in targeting, for example, 'lifestyle' farming, women on farms, older age groups or semi-retired farmers, as well as related businesses and industries in rural centres, all of whom would benefit from training in law and legal compliance.

The challenge for marketing programs is also to convince potential participants of the relevance and benefits of better understanding the law and their legal compliance obligations and tying knowledge to financial benefits, environmental and commercial sustainability and business efficiency.

## **Course fees**

### **Fees—recommendations**

- Fees should reflect any grants or subsidies provided and the likely resistance of the sector to high charges.

It is likely that, at least in the initial phase, subsidies will be required to enable development and delivery of training in law and legal compliance for primary producers. However, participants in training should also be required to make a contribution to the costs of development and delivery.

Fees will, of course, be established by those delivering the training, based on their own formula. Consideration should also be given to the likely resistance of this sector to high fees.

## **Collaboration and partnerships with industry and government**

### **Industry–government collaboration—recommendations**

- Collaboration with industry in the development and delivery of training is strongly recommended
- Given the relatively small market and nature of training, it is unlikely that training in this area can sustain itself. The financial support of industry and government should therefore be sought.

The collaboration of industry is important for the development of practical content, promotion of training to its members and, to an extent, confirmation of the legitimacy of the programs. Approaches to industry should emphasise the advantages for members, for example, assisting members to improve their business and production standards and providing knowledge that will enable them to adapt to changing legal requirements and commercial relationships, should be given as a clear objective of training. Such approaches are more likely to be met positively.

The development of partnerships with peak commodity groups is strongly recommended for both the reasons above and to seek their financial support in the development and delivery of training.

Given the responsibility of government for administration of the law, the high cost and low volume nature of primary industry training, the broader economic and trade and public benefit implications of a sound knowledge of laws relating to primary production, there is clear justification for a financial commitment by government to the support of primary industry training. Such a commitment by government would also help create an incentive for both those considering delivering training and for potential participants.

Approaches should therefore also be made to government seeking their support and possible collaboration in the development of training programs.

## **Taking the lead**

### **Pilot program—recommendations**

- The federal and state governments together with peak commodity groups and industry training organisations are called upon to support the development of pilot training programs on at least one selected law theme and one ‘hot topic’ based on the model outlined here.
- An independent evaluation of the pilot program should then be undertaken to refine the model for the roll-out of additional law and legal compliance training programs.

To establish and refine a model for the delivery of law training, it is recommended that at least one pilot program on an important law theme listed in this report and one pilot program covering a ‘hot

topic' should be developed. There should then be an independent evaluation of the pilot programs to improve the development and delivery of future programs.

The pilot programs should reflect the model recommendations outlined above and be undertaken as a collaborative partnership between:

- Deakin University—which will offer overall co-ordination of a pilot training program and participate in the development of content and program design.
- At least one RTO (Registered Training Provider)—which will participate in content and design of the training programs, will manage promotional and accreditation requirements and will take responsibility for delivery of the pilot training.
- At least one peak commodity organisation—which will support the pilot program through the provision of content advice, recommendations for expert participation and promote the program to its members through existing forums and information distribution methods.
- Federal or state departments—which will be approached for financial support of the pilot programs and relevant content expertise.

### **Development of a national program—recommendations**

- A national co-ordinating body should be established to monitor and co-ordinate a response to the ongoing law and legal compliance training needs of primary industry in Australia.

The law is constantly changing and requires effective monitoring and accurate interpretation. The co-ordinated delivery of accurate, practical and accessible training on law and legal compliance requires a cross-discipline approach drawing on a range of expertise, outside the current scope of training provider and industry organisations.

A national co-ordinating body should be responsible for the assessment of current and emerging legal issues that may affect primary industry, and initiate and promote the development and maintenance of training programs to meet industry needs, through:

- working with peak industry bodies and training organisations to identify areas of need, develop and refine program design, build content and source or broker specialist legal expertise
- maintaining and updating law content contained within law training programs, making regularly updated content available to all training organisations and training program participants via a web-based service
- building effective networks with and between registered training organisations, peak farming bodies, industry skills councils, government and the legal profession with a view to highlighting and promoting law and legal compliance training for primary industry.

### **Further research**

#### **Further research—recommendations**

- Further research is required to investigate the effectiveness of legal services in meeting the industry's legal needs now and in the future.
- The federal and state governments, the agrifood industry and relevant state training councils are called upon to give greater consideration to the development of a curriculum specific to the law and legal compliance training needs of primary industry, to establish a review process which assesses the adequacy of the current curriculum and its delivery, and provides recommendations

and financial resources for improving the development and take-up of law and legal compliance training by industry members.

This report has focused on the law and legal compliance training needs of primary producers. However, the knowledge gained through training is only the first step in responding to the industry's legal needs. The legal profession obviously has a key role to play in providing informed guidance and advice within a rapidly changing environment.

As demonstrated in this report, the changing nature of primary industry, greater regulation and increasing demand for more formalised 'corporate' relationships, is escalating the need for quality specialist legal services. There are individual lawyers and regional law firms with vast specialist knowledge available to primary industry members. These should be tapped in the development of the proposed training programs. However, the number and nature of legal services in rural Australia may be inadequate to the increasingly specialist legal service needs of the industry.

Additional professional development programs for the legal profession and the introduction of primary-industry specific content within undergraduate law courses may go some way to addressing this. A review of the capacity of regional and rural legal services to meet the current and future needs of this industry is needed and would be a logical first step in determining the extent and nature of any shortfall.

As has been demonstrated, the major structural changes experienced by primary industry, and the increasing regulation of their production and business activities, place a greater emphasis on industry members' awareness of legal processes and their legal obligations. A responsive VET curriculum is critical to ensuring it remains adaptable and keeps pace with the growing regulatory environment. A co-ordinated and focused approach to building a relevant and flexible VET curriculum, which draws on existing knowledge and expertise regarding the law and legal compliance training needs of primary industry, is required.

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Rural Industry Research and Development Corporation, *Small lifestyle farming —improving delivery mechanisms for sustainable land management*, 2007

Rural Industry Research and Development Corporation, *Summary of the report: aligning the extension and vocational, education and training sectors. A report for the Cooperative Venture For Capacity Building*, 2006

Rural Industry Research and Development Corporation, *The impacts of changing farm business structures on rural communities*, Publication No. 02/027, 2002

Rural Industry Research and Development Corporation, *Using computer-based technologies to support farmers' decision making—a report for the Cooperative Venture For Capacity Building*, Publication No 07/104, July 2007

Senate Legal and Constitutional Reference Committee, *Inquiry into current legal aid and justice arrangements*, 2003

Solution—*Survey of FarmBis programme participants*, commissioned by Australian Government Department of Agriculture, Fisheries and Forestry, 2006

Synapse Consulting Pty Ltd, *Farmer education and training: issues for research and development* for Rural Industry Research and Development Corporation, 1998

## **Other key websites**

- Australian Flexible Learning Framework <<http://www.flexiblelearning.net.au/flx/go>> (accessed 11 March 2008)
- National Training Information Service <<http://www.ntis.gov.au/Default.aspx?/>> (accessed 11 March 2008)
- *Rural Law Online* website <<http://www.rurallaw.org.au/>> (accessed 8 February 2009)

# Appendix 1 Surveys



# Survey

## Law and Legal Compliance Training Needs of Primary Producers

Australia's Primary producers are required to comply with an increasingly complex and growing number of laws.

This survey seeks to understand which areas of law have the greatest impact on primary producers, the extent of primary producer interest in undertaking practical training in these areas and the best way of providing that training. Your response is important to us and will be anonymous.

1. Responses to these initial questions will provide useful information on the background of survey participants. Place one tick  in the appropriate box.

- In which State or Territory do you live?

ACT  NSW  NT  Qld  SA  Tas  Vic  WA

- What is the principal commodity you produce?

Beef  Cotton  Cropping/Grains  Dairy  Horticulture (includes Vegetables/Grapes/Fruits/Nuts/Flowers)

Poultry Meat/Eggs  Rice  Sheep Meat  Sugar  Wool  Mixed Farming

Other, please indicate \_\_\_\_\_

- Your gender:  Female  Male

- Your age group:  25 or under  26 to 40  41 to 55  56 to 65  over 65

- What qualification level do you currently have?

Secondary School  Tertiary –TAFE Certificate/Diploma  Tertiary - Diploma/Degree and above

2. Below is a list of law topics identified as directly impacting on farming activities. Which of these topics, if any, would a better practical knowledge of, assist you in operating your farming business?

You can place a tick  in just the broad areas of law (the bold headings) or the individual law topics under each broad heading, or both. Tick as many boxes as you wish or add topics in the Comments/Other Topics space provided below.

- |  |  |
|--|--|
| <input type="checkbox"/> <b>Law and Business</b> , including for example:<br><input type="checkbox"/> Business Structures (Trusts/Companies etc)<br><input type="checkbox"/> Corporate Governance (Director's responsibilities etc)<br><input type="checkbox"/> Intellectual Property/Plant Breeding Rights<br><input type="checkbox"/> Export Trade<br><input type="checkbox"/> Insurance           | <input type="checkbox"/> <b>Genetically Modified Crops</b> , including for example:<br><input type="checkbox"/> Regulations and Codes of Practice<br><input type="checkbox"/> Food Safety Standards/Labeling   |
| <input type="checkbox"/> <b>Contracts and Agreements</b> , including for example:<br><input type="checkbox"/> Share Farming<br><input type="checkbox"/> Agistment Agreements<br><input type="checkbox"/> Leasing Machinery<br><input type="checkbox"/> Contract Farming  | <input type="checkbox"/> <b>Law and Families</b> , including for example:<br><input type="checkbox"/> Succession Planning<br><input type="checkbox"/> Wills<br><input type="checkbox"/> Power of Attorney/Guardianship Law<br><input type="checkbox"/> Family Law<br><input type="checkbox"/> Mediation/Managing Relationships   |
| <input type="checkbox"/> <b>Employment Law</b> , including for example:<br><input type="checkbox"/> Employing and Contracting Staff<br><input type="checkbox"/> Occupational Health and Safety<br><input type="checkbox"/> WorkCover/Accident Compensation   | <input type="checkbox"/> <b>Dealing with Legal Disputes</b> , including for example:<br><input type="checkbox"/> Dealing with Government<br><input type="checkbox"/> Making a Complaint<br><input type="checkbox"/> Court Processes<br><input type="checkbox"/> Using Legal Services<br><input type="checkbox"/> Neighbour Disputes/Mediation                                  |
| <input type="checkbox"/> <b>Law and Finances</b> , including for example:<br><input type="checkbox"/> Credit/Debt/Bankruptcy<br><input type="checkbox"/> Price Risk Management<br><input type="checkbox"/> Taxation Law<br><input type="checkbox"/> Carbon Trading<br><input type="checkbox"/> Consumer Rights (Buying goods and services)<br><input type="checkbox"/> Superannuation and Investment | <input type="checkbox"/> <b>Property and Planning Law</b> , including for example:<br><input type="checkbox"/> Fences and Boundaries<br><input type="checkbox"/> 'Right to Farm'<br><input type="checkbox"/> Land Ownership Transfer<br><input type="checkbox"/> Subdivision<br><input type="checkbox"/> Planning Objections/Appeals<br><input type="checkbox"/> Mining Rights |
| <input type="checkbox"/> <b>Environmental Law</b> , including for example:<br><input type="checkbox"/> Native Vegetation/Land Clearing<br><input type="checkbox"/> Chemical Use<br><input type="checkbox"/> Noxious Weeds/Pest Control<br><input type="checkbox"/> Soil Conservation<br><input type="checkbox"/> Waste and Pollution Control   | <input type="checkbox"/> <b>Animal Management and Welfare</b> , including for example:<br><input type="checkbox"/> Animal Disease Control<br><input type="checkbox"/> Licenses/Codes of Practice<br><input type="checkbox"/> Transporting/Exporting Livestock  |
| <input type="checkbox"/> <b>Water Law</b> , including for example:<br><input type="checkbox"/> Water Licenses<br><input type="checkbox"/> Dam Permits<br><input type="checkbox"/> Transfer of Rights<br><input type="checkbox"/> Allocations   | <input type="checkbox"/> <b>There are no areas of law farmers require a greater practical knowledge of, to improve the operation of their farming business.</b><br>If you have ticked this response, go to Q. 5  |

**Comments/Other Topics?**

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3. **Would you be interested in participating in practical training to further your knowledge in the topics you ticked or added?**

Place one tick  in the appropriate box.

- Yes  
 Maybe  
 No (Go to Q. 5)

4. **If you were considering undertaking a practical training program on aspects of the law, would receiving accreditation (a formally recognised qualification) be important?**

Place one tick  in the appropriate box.

- Yes, accreditation would be important  
 No, I just want the information

*The following questions are of a general nature and are not specific to undertaking training in law related topics.*

5. **How important to you are the following factors when deciding whether to attend training sessions?**

For each factor, place a circle around the number which best reflects your needs, with one most important and five least important. If you wish to add other important factors please add in the space provided below.

The training location is reasonably close to my home.      Most important    1    2    3    4    5    Unimportant

A recognised 'expert' who works in the topic area is providing the training.      Most important    1    2    3    4    5    Unimportant

Training is free or low cost.      Most important    1    2    3    4    5    Unimportant

Courses are of a short duration.      Most important    1    2    3    4    5    Unimportant

Training is provided at a time of day or time of year, which suits my work demands.      Most important    1    2    3    4    5    Unimportant

The training is relevant to current issues I am dealing with rather than future issues.      Most important    1    2    3    4    5    Unimportant

**Other important factors, please indicate**

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**6. Would you consider undertaking training online?**

*Place one tick  in the appropriate box.*

- I would consider participating in online training where the entire training program is delivered to me via the Internet.
- I would consider participating in online training where part of the training program is delivered to me via the Internet and part delivered face to face at a reasonably close venue.
- I would not consider participating in online training.

**7. What factors may limit or prevent your participation in online training:**

*Tick  as many boxes as you think appropriate.*

- I do not have an Internet connection.
  - I prefer face-to-face training where I can meet others and share ideas and information.
  - I don't feel confident using the technology associated with online training.
  - My Internet connection may be too slow to use for training purposes.
  - I am interested but have limited time to participate in training.
  - I am not interested in undertaking any training.
  - Other, please indicate \_\_\_\_\_
- 

**Final comments**

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*Thank you for completing this survey.*

*Please return using the enclosed addressed envelope within 14 days from receiving this survey.*

Richard Coverdale  
Research Fellow  
Faculty of Business and Law  
Deakin University  
Geelong  
Victoria 3217  
PH: 03 52272245



# Survey

## Law and Legal Compliance Training Needs of Primary Producers

Australia's Primary producers are required to comply with an increasingly complex and growing number of laws.

This survey seeks to understand which areas of law have the greatest impact on primary producers, the extent of primary producer interest in undertaking practical training in these areas and the best way of providing that training. Your response is important to us and will be anonymous.

### 1. Preliminary questions

- In which State or Territory are you based?

ACT  NSW  NT  Qld  SA  Tas  Vic  WA

- What is the nature of your business?

Agricultural Services/Agribusiness Services  Rural Financial Counsellor

2. Below is a list of law topics identified as directly impacting on farming activities. Which of these topics, if any, would be valuable for farmers in your area to gain a better practical knowledge of, to improve the operation of their farming business?

You can place a tick  in just the broad areas of law (**the bold headings**) or the individual law topics under each broad heading, or both. Tick as many boxes as you wish or add topics in the Comments/Other Topics space provided below.

- Law and Business**, including for example:
- Business Structures (Trusts/Companies etc)
  - Corporate Governance (Director's responsibilities etc)
  - Intellectual Property/Plant Breeding Rights
  - Export Trade
  - Insurance
- Contracts and Agreements**, including for example:
- Share Farming
  - Agistment Agreements
  - Leasing Machinery
  - Contract Farming
- Employment Law**, including for example:
- Employing and Contracting Staff
  - Occupational Health and Safety
  - WorkCover/Accident Compensation
- Law and Finances**, including for example:
- Credit/Debt/Bankruptcy
  - Price Risk Management
  - Taxation Law
  - Carbon Trading
  - Consumer Rights (Buying goods and services)
  - Superannuation and Investment
- Environmental Law**, including for example:
- Native Vegetation/Land Clearing
  - Chemical Use
  - Noxious Weeds/Pest Control
  - Soil Conservation
  - Waste and Pollution Control
- Water Law**, including for example:
- Water Licenses
  - Dam Permits
  - Transfer of Rights
  - Allocations
- Genetically Modified Crops**, including for example:
- Regulations and Codes of Practice
  - Food Safety Standards/Labeling
- Law and Families**, including for example:
- Succession Planning
  - Wills
  - Power of Attorney/Guardianship Law
  - Family Law
  - Mediation/Managing Relationships
- Dealing with Legal Disputes**, including for example:
- Dealing with Government
  - Making a Complaint
  - Court Processes
  - Using Legal Services
  - Neighbour Disputes/Mediation
- Property and Planning Law**, including for example:
- Fences and Boundaries
  - 'Right to Farm'
  - Land Ownership Transfer
  - Subdivision
  - Planning Objections/Appeals
  - Mining Rights
- Animal Management and Welfare**, including for example:
- Animal Disease Control
  - Licenses/Codes of Practice
  - Transporting/Exporting Livestock
- There are no areas of law farmers require a greater practical knowledge of, to improve the operation of their farming business.**

If you have ticked this response, go to Q. 5

**Comments/Other Topics?**

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3. Do you believe there would be interest from farmers in your area in participating in practical training to further their knowledge in the areas/topics you ticked or added?

Place one tick  in the appropriate box.

- Yes  
 Maybe  
 No (Go to Q. 5)

4. If farmers were considering undertaking a practical training program on aspects of the law, do you believe receiving accreditation (a formally recognised qualification) would be important to them?

Place one tick  in the appropriate box.

- Yes, accreditation would be important  
 No, they would just want the information

The following questions are of a general nature and are not specific to undertaking training in law related topics.

5. How important do you believe the following factors are for farmers, when deciding whether to undertake any training?

For each factor, place a circle around the number which best reflects your thoughts, with one most important and five least important. If you wish to add other important factors please add in the space provided below.

The training location is reasonably close to their home.

Most important    1    2    3    4    5    Unimportant

A recognised 'expert' who works in the topic area is providing the training.

Most important    1    2    3    4    5    Unimportant

Training is free or low cost.

Most important    1    2    3    4    5    Unimportant

Courses are of a short duration.

Most important    1    2    3    4    5    Unimportant

Training is provided at a time of day or time of year, which suits their work demands.

Most important    1    2    3    4    5    Unimportant

The training is relevant to current, rather than, future issues.

Most important    1    2    3    4    5    Unimportant

**Other important factors, please indicate**

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**6. Do you think farmers in your area would generally consider undertaking training online?**

Place one tick  in the appropriate box.

- They would consider participating in online training where the entire training program is delivered to them via the Internet.
- They would consider participating in online training where part of the training program is delivered to them via the Internet and part delivered face to face at a reasonably close venue.
- They generally would not consider participating in online training.

**7. What are the main factors which you think may inhibit farmers in your region from participating in online training:**

Tick  as many boxes as you think appropriate.

- They would prefer face-to-face training where they can meet others and share ideas and information
- Many have limited or no access to the Internet
- Their Internet connections are generally too slow to use for training purposes.
- They would not feel confident using the technology associated with online training.
- They would be interested, but do not have the time to participate in training.
- Many would not consider undertaking any training.
- Other, please indicate \_\_\_\_\_

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**Final comments**

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*Thank you for completing this survey.*

*Please return using the enclosed addressed envelope within 14 days from receiving this survey.*

Richard Coverdale  
Research Fellow  
Faculty of Business and Law  
Deakin University  
Geelong  
Victoria 3217  
PH: 03 52272245

## Appendix 2 ABS breakdown of agricultural activity by state

(Basis for proportional survey distribution) Establishments with agricultural activity by state June 2006

Commodity	NSW	% of State	Vic	% of State	Qld	% of State	SA	% of State	WA	% of State	Tas	% of State	NT	% of Trty	AC T	% of Trty	Aus	% of Total
Horticulture	5596	12.9	4626	13.9	4176	14.4	4277	28.7	2178	16.9	930	22.9	327	22.9	11	11.0	<b>22123</b>	16.0
Sheep	5270	12.2	3731	11.2	383	1.3	1585	10.6	1484	11.5	621	15.3		15.3	19	19.0	<b>13093</b>	9.5
Beef	14513	33.5	9199	27.6	14228	49.2	1476	9.9	2449	19.0	1302	32.0	207	32.0	20	20.0	<b>43396</b>	31.5
Sheep and cattle	3805	8.8	2123	6.4	629	2.2	85	0.6	495	3.8	352	8.7		8.7	23	23.0	<b>8242</b>	6.0
Grain sheep beef	5619	13.0	2800	8.4	1172	4.1	2386	16.0	2798	21.7	66	1.6	1	1.6		0.0	<b>14843</b>	10.8
Rice	780	1.8	7	0.0		0.0		0.0		0.0		0.0		0.0		0.0	<b>787</b>	0.6
Grain	2884	6.7	2785	8.4	1087	3.8	3204	21.5	2530	19.7	28	0.7		0.7		0.0	<b>12478</b>	9.0
Sugar	459	1.1		0.0	3739	12.9		0.0	9	0.1		0.0		0.0		0.0	<b>4207</b>	3.0
Cotton	330	0.8		0.0	357	1.2		0.0		0.0		0.0		0.0		0.0	<b>687</b>	0.5
Crops other	497	1.1	666	2.0	823	2.8	128	0.9	146	1.1	88	2.2	14	2.2	1	1.0	<b>2362</b>	1.7
Dairy	1253	2.9	5948	17.9	911	3.2	457	3.1	280	2.2	522	12.8		12.8		0.0	<b>9371</b>	6.8
Poultry eggs and meat	509	1.2	406	1.2	178	0.6	123	0.8	114	0.9	33	0.8	2	0.8	1	1.0	<b>1328</b>	1.0
Deer	38	0.1	50	0.2	18	0.1	16	0.1	9	0.1	5	0.1		0.1		0.0	<b>136</b>	0.1
Horses	919	2.1	527	1.6	656	2.3	132	0.9	177	1.4	58	1.4	5	1.4	4	4.0	<b>2478</b>	1.8
Pigs	252	0.6	167	0.5	245	0.8	148	1.0	75	0.6	26	0.6	1	0.6		0.0	<b>914</b>	0.7
Beekeeping	298	0.7	118	0.4	132	0.5	104	0.7	53	0.4	19	0.5	1	0.5	2	2.0	<b>728</b>	0.5
Livestock other	286	0.7	195	0.6	169	0.6	47	0.3	75	0.6	18	0.4	5	0.4		0.0	<b>796</b>	0.6
<b>Total agri establishments</b>	<b>43268</b>	<b>100.0</b>	<b>33310</b>	<b>100.0</b>	<b>28905</b>	<b>100.0</b>	<b>14901</b>	<b>100.0</b>	<b>12872</b>	<b>100.0</b>	<b>4068</b>	<b>100</b>	<b>564</b>	<b>100.0</b>	<b>81</b>	<b>81.0</b>	<b>137968</b>	<b>100.0</b>
% of total	31.4		24.1		21		10.8		9.3		2.9		0.4		0.06			100%
<b>Total primary producer survey Distribution</b>	473		363		316		162		140		44		6		1		<b>Total 1505</b>	

# Appendix 3 Telephone Survey

## Law and Legal Compliance Training Needs of Primary Producers

### 1. Preliminary questions

Name.....

Position.....

Organisation.....

Date.....

2. What are the priority areas of law, if any, which would be valuable for farmers to gain a better practical knowledge of, to improve the operation of their farming business?

- Law and Business**, including for example:
  - Business Structures (Trusts/Companies etc)
  - Corporate Governance (Directors responsibility etc)
  - Intellectual Property/Plant Breeding Rights
  - Export Trade
  - Insurance

- Contracts and Agreements**, including for example:
  - Share Farming
  - Agistment Agreements
  - Leasing Machinery
  - Contract Farming

- Employment Law**, including for example:
  - Employing and Contracting Staff
  - Occupational Health and Safety
  - WorkCover/Accident Compensation

- Law and Finances**, including for example:
  - Credit/Debt/Bankruptcy
  - Price Risk Management
  - Taxation Law
  - Carbon Trading
  - Superannuation and Investment

- Dealing with Legal Disputes**, including for example:
  - Dealing with Government
  - Making a Complaint
  - Court Processes
  - Legal Services Available
  - Neighbour Disputes/Mediation

- Environmental Law**, including for example:
  - Native Vegetation/Land Clearing
  - Chemical Use
  - Noxious Weeds/Pest Control
  - Soil Conservation
  - Waste and Pollution Control

- Water Law**, including for example:
  - Water Licenses
  - Dam Permits
  - Transfer of Rights
  - Allocations

- Genetically Modified Crops**, including for example:
  - Regulations and Codes of Practice
  - Food Safety Standards/Labeling

- Law and Families**, including for example:
  - Succession Planning
  - Wills
  - Family Law
  - Mediation/Managing Relationships

- Animal Management and Welfare**, including for example:
  - Animal Disease Control
  - Licenses/Codes of Practice
  - Transporting/Exporting Livestock

**Property and Planning Law**, including for example:

- Fences and Boundaries
- 'Right to Farm'
- Land Ownership Transfer
- Subdivision
- Planning Objections/Appeals
- Mining Rights

**Comments/Other Topics**

**There are no areas of law farmers require a greater practical knowledge of, to improve the operation of their farming business.**

(If you have ticked this response go to Q.5)

**3.** Do you believe there would be interest from farmers in your area in participating in practical training to further their knowledge in the areas/topics you ticked or added?

Yes

Maybe

No (Go to Q. 6)

Comments

**4.** If farmers were considering undertaking a practical training program on aspects of the law, do you believe receiving accreditation (a formally recognised qualification) would be important to them?

Yes, accreditation would be important

No, they would just want the information

Comments

**5.** What are the most important factors for farmers, when deciding whether to undertake any training?

EG, location, recognised 'expert', cost, course duration, time of day or time of year, relevant to current rather than future issues.

Comments

**6. Do you think farmers in your area would generally consider undertaking training online?**

Yes

No

Comments

**7. What are the main factors which you think may inhibit farmers in your region from participating in online training:**

They would prefer face-to-face training where they can meet others and share ideas and information

Many have limited or no access to the internet

Their internet connection are generally too slow to use for training purposes.

They would not feel confident using the technology associated with online training.

They would be interested but do not have the time to participate in training.

Many would not consider undertaking any training.

Comments/Other

**8. Would your organisation be interested in supporting law information training initiatives for members? – For example financial contribution to the development of training programs, contributing to content development for your commodity sector, promoting to membership or enlisting topic expertise.**

Can you suggest other organisations who may be interested in collaborating/partnerships in the development and/or delivery of training?

Comments

Any Final Comments?

Received Consent Form

# Appendix 4 Plain language statement and consent form

Plain Language Statement
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Date:

**Full Project Title: *LAW AND LEGAL COMPLIANCE TRAINING NEEDS OF PRIMARY PRODUCERS***

**Principal Researcher: Richard Coverdale**

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This Plain Language Statement and Consent Form is 3 pages long. Please make sure you have all the pages.

## **1. Your Consent**

You are invited to take part in a research project being conducted by Deakin University School of Law, which has been funded by the Rural Industries Research and Development Corporation.

The statement below provides details of the research project and will help you to decide if you wish to participate.

If you agree to participate in the project, please complete the enclosed survey and return in the reply paid, self addressed envelope, also enclosed. By doing so, you indicate that you understand the information provided here and you give your consent to participate in the research project.

## **2. Purpose and Background**

Primary producers are required to comply with a growing number and complexity of laws as a part of their production and business management activities. Understanding relevant laws and how they apply within a primary production setting is important to managing and developing the business of farming. Training programs can provide an opportunity to gain and apply an understanding of relevant laws.

Deakin University—School of Law has been funded to research the legal information and training needs of primary producers, nationally.

This research project is being undertaken on the basis of interviews with industry organisations, and a survey of 1700 individual farmers and support services, to:

- Determine current gaps in an understanding by primary producers of their legal compliance obligations, which may impact on their business activities.
- Determine factors which would influence the participation of primary producers in training programs on law and legal compliance related topics.
- Recommend priority law topics and the most effective ways of delivering training on law and legal compliance.

You have been selected randomly either through the assistance of your state Farmer Association, or the telephone directory, as a potential participant in this survey. The survey is being distributed across all states and territories.

### **3. Procedures**

Participation in this project will involve the completion of an anonymous 7 question survey. This should take no longer than 5 -8 minutes to complete. You are then asked to return you completed survey in the enclosed reply paid, addressed envelope.

All responses will be collated and used as part of the research report and to inform recommendations for the development of law and legal compliance training programs for primary producers.

### **4. Possible risks, privacy and confidentiality**

There are no perceived risks as a result of participation in the survey. If you choose not to participate there are also no adverse consequences. All participants will be un-identified and will remain anonymous throughout the project.

### **5. Results of Project**

Once the research report is completed (by December 2008), it will be printed and distributed to peak state farming organisations and commodity groups, relevant state and federal government departments and tertiary education providers.

While there may be no direct benefit to you and no reimbursement is available for your participation in the survey, by completing and returning this survey you will be making an important contribution to alerting government and industry of the legal information and training needs of primary producers and will also assist training provider organisations in developing relevant and practical training programs in this area.

If you wish to receive a copy of the report on its completion, please contact the Rural Industries Research and Development Corporation Telephone: (02) 6271 4100, or P.O. Box 4776, Kingston ACT, 2604.

### **6. Participation is Voluntary**

Participation in any research project is voluntary. **If you do not wish to take part you are not obliged to.** If you decide to take part and later change your mind, it is not possible to remove your data once it has been returned, as it is unidentified and anonymous.

Your decision whether to take part or not to take part, or to take part and then withdraw, will not affect any relationship you have or may have in the future with Deakin University or the Rural Industries Research and Development Corporation.

### **7. Ethical Guidelines**

This project will be carried out according to the *National Statement on Ethical Conduct in Human Research* (2007) produced by the National Health and Medical Research Council of Australia. This statement has been developed to protect the interests of people who agree to participate in human research studies.

The Human Research Ethics Committee of Deakin University has approved the ethics aspects of this research project.

### **8. Complaints**

If you have any complaints about any aspect of the project, the way it is being conducted or any questions about your rights as a research participant, then you may contact:

The Executive Officer, Human Research Ethics Committee, Deakin University, 221 Burwood Highway, Burwood Australia 3125, Telephone: 9251 7123, Facsimile: 9244 6581; [research-ethics@deakin.edu.au](mailto:research-ethics@deakin.edu.au). Please quote project number EC 83 -2007.

**9. Further Information, Queries or Any Problems**

If you require further information or if you have any problems concerning this project, you can contact Richard Coverdale the principal via email at [richarc@deakin.edu.au](mailto:richarc@deakin.edu.au) or by telephone on 03 5227 2245.

The researcher responsible for this project is:

Principle Researcher—Richard Coverdale

Research Fellow—School of Law

Deakin University  
Waurm Ponds Campus  
Pigdons Road  
Geelong VIC Australia 3217  
Ph:03 5227 2245

**DEAKIN UNIVERSITY HUMAN RESEARCH ETHICS COMMITTEE**

**CONSENT FORM**

*Rural Law—Research into Legal Compliance Training Needs of Primary Producers*

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I,.....  
of.....

**Hereby consent** to participate in a research study to be undertaken Prof Mirko Bagaric and Mr Richard Coverdale.

I understand that the purpose of the research is to:

- Determine current gaps in primary producers knowledge of their legal compliance obligations.
- Determine the interest of primary producers in participating in training programs and training provider organisations in participating in the development and delivery of training programs.
- Recommend topic areas for the development and delivery of legal compliance training which are practical and relevant to the needs of primary producers.
- Investigate the most effective ways of delivering training

**I acknowledge**

1. That the aims, methods, and anticipated benefits, and possible risks/hazards of the research study, have been explained to me.
2. That I voluntarily and freely give my consent to my participation in such research study.
3. I understand that aggregated results will be used for research purposes and may be reported within public reports and academic journals.
4. Individual results **will not** be released to any person except at my request and on my authorisation.
5. That I am free to withdraw my consent at any time during the study, in which event my participation in the research study will immediately cease and any information obtained from me will not be used.

Signature:

Date:

If you agree to participate in this project, please return a signed copy of this consent form by fax to:

Attn: Richard Coverdale Facsimile No—03 5229 5039

# Appendix 5 Focus group discussion

## A model for the development and delivery of law training programs for primary producers

The findings of a national survey of the law training needs of primary producers completed at the end of 2008, provide an indication of priority topics and highlight a number of issues in designing for, and delivering training to, primary producers.

The survey is a part of a research report, which will include recommendations for a model for the design and delivery of a training program for primary producers on law and legal compliance related topics. It is proposed that funding will be sought to undertake a pilot training program based on the model proposed within the final research report.

Your assistance is sought to establish recommendations for a model which would best respond to the needs of this industry.

Specific questions for which your feedback is requested are provided below. With your agreement, a telephone conference call is proposed where responses can be shared among others who have experience in the design, development and/or delivery of training.

Before setting out questions for your response, some of the findings of the survey are provided below. These will set parameters for a proposed training program model.

### Background

The national survey was funded by the Rural Industries Research and Development Corporation. A total of 349 survey responses were received, which included 290 farmers and 59 rural financial counsellors and agribusiness service staff from around Australia. Consultations were also undertaken with a range of peak farming, commodity organisations and rural training organisations.

Eighty-eight percent of primary producers stated that they would or may be interested in undertaking training in the topic areas they nominated. The most frequently raised broad law themes were Law and finances and Environmental Law. Of the 48 law topics which could be selected, survey respondents indicated the topics of Carbon Trading, Business Structures, Farm Succession, Employment Law, Native Vegetation, Weed and Pest Control, OHS and Superannuation/investment law as the top eight.

For the purpose of this exercise, it is proposed that two programs would be undertaken. These may not be the final topics developed under a pilot training program. It is hoped that discussing a specific proposal as set out below will assist in progressing ideas and suggestions on a practical and workable model which will meet participants needs. Much more detail is of course required before any program development could progress.

### Program One—Topic Business and Finance Law

The proposed program would cover a combination of Business and Finance related topics relevant to commodity groups and regions being targeted and would include:

- Investment and debt law, including, price/risk management, taxation law credit/debt law, superannuation law.
- Contract law, covering agistment/share farming agreements, grain contracts, leasing contracts, employing/contracting staff.

### Program Two—Topic Carbon Trading and the Law

This is a single 'hot topic' program which would coincide with the introduction of the Carbon Trading Reduction Scheme in June 2010. Content would include:

- Participation/investment options for primary producers.

- Types of contractual arrangements (e.g. leasing land for plantations, investing in forestry/soil sequestration)
- Other considerations (e.g. planning law, land sale/transfer)

### **Target participants**

Based on the outcomes of the survey, participants will be primary producers mainly aged in ages from 35 to 55. They will have a range of learning backgrounds, approximately half will have gained a secondary-school-level qualification, ¼ TAFE-level qualification and ¼ higher degree-level qualifications. In addition to a range of levels of education, computer/internet literacy will also range significantly but will generally be low to moderate. With both training programs, promotional activities will be undertaken targeting commercial primary producers across all commodities and both men and women. In addition, the carbon trading program will also target 'lifestyle' and smaller acreage farmers.

Content will be pitched at a VET Certificate 4 level or above.

The principle commodities which will be targeted are beef , grain and dairy producers, and horticulturalists.

### **Training delivery structure**

Survey participant were asked what their preferred training format was. Following feedback and consultations it is proposed that an optimum general structure should be in the form of:

- Short courses—time is a premium and venues close to home were a strong preference.
- Face to face delivery with an (optional though encouraged) online component, including learning and web sharing tools such as webinaire and discussion boards. Consideration will also be given to rolling out an entire online version of the program at a later stage.
- An orientation component at the commencement of the program to acquaint participants with content and provide skills for utilisation online components.
- Programs will be flexible:
  - o Will take into account time of day limitations for participants and seasonal limitations of particular commodities.
  - o Will be designed to be relevant to the particular needs of each commodity sector. It is proposed that generic core content will be developed and case studies, examples, exercises etc will be streamed to suit the variations in commodity sector needs.
- An emphasis will be on practical content
  - o Topic 'experts' will be used in the development of content and may be used for components of the delivery (both the face to face and/or online components e.g. online discussion forums or QandA sessions).
  - o Practical resources such as standard form agreements/letters, checklists, lists of services/support contacts and reference to other resources will be provided to participants.
- Accreditation will be optional (where content relates to AQTF Competencies) and programs would be streamed to accommodate preferences for accreditation (or RPL) or non-accreditation. This would include any content variations and assessment requirements for accreditation.
- Financial support for the development of content and piloting of programs will be sought with a view to being rolled-out nationally via interested TAFEs and private training providers:

### **Questions for Focus Group**

1. How achievable does the above structure appear to you?
2. What issues may block the delivery of training using this structure—any solutions?
3. What would be a reasonable duration for the delivery of each of these programs? (length of delivery time acceptable to the target group for both the larger Business and Finance Program and Carbon Trading Program)
4. Do you have any thoughts on how best to divide activities between face to face and online delivery?
5. In addition to including an ‘orientation’ component to the training programs, what strategies do you suggest to accommodate the range of levels of education and computer/internet literacy.
6. Do you have suggestions for other strategies or models of delivery which should be considered?

# Appendix 6 Consultations and focus group participants

## ***Dubbo Focus Group Meeting 14 July 2008***

- Graham Blatch, Central West Regional Services Manager, New South Wales Farmers Association
- Rick Bremner, Central-North-west Regional Services Manager, New South Wales Farmers Association
- Elizabeth Brown, Rural Financial Counsellor, Lue, New South Wales
- Michael Longhurst and Michael Sutherland, Central West Catchment Management Authority
- Susan McLeish, Farmer and Executive Member, Council New South Wales Farmers Association
- Kathy Sims, New South Wales Farmers Association
- Tony Smith, Charles Sturt University, Law Lecturer
- Vicki Tuck, Farmer

## ***Toowoomba Focus Group Meeting 1<sup>st</sup> August 2008***

- Kate Scott, Training Co-ordinator, AgForce
- Denis McMahon, Solicitor, Farm and Rural, Legal Aid Queensland
- Roger Herden, Rural Financial Counsellor, Department of Primary Industry and Fisheries
- Glenn Budden, Rural Financial Counselling Service, Miles
- Rod Saal, Drought Project Manager AgForce Queensland

## ***Warrnambool Focus Group Meeting 10<sup>th</sup> May 2007***

- Professor Phillip Clarke, Dean, Faculty of Business and Law, Deakin University
- Wes Obst, Monica Keneley, Phil Hellier, Barbara Piesse, Graeme Wines, Rebecca Hannan, Deakin University
- Miles Coverdale, CEO WestVic Group Training
- Grant Ezzy, Lynette Skillbeck, Solicitors, Tait's Lawyers, Warrnambool
- Julie Keane, Business Development Manager, South West TAFE
- Maurice Molan, Liz Waters, Teachers, South West TAFE
- Gerald Madden, Mayor, Moyne Shire Council
- Peter Walsgott, Regional Manager, Victorian Farmers Federation

- Gavin Nevill, Allansford Fertiliser
- David Beard
- Tom Lindsay
- Robert Graham

***Victorian Farmers Federation Grains Group Executive—8 Attendees, 3 October 2007***

***Training Program Model Design Focus Group, 3 March 2009***

- Debra Beerworth, Training Services Manager, Kondinin Group Industry Training
- Nickie Berrisford, Executive Officer, Grains Industry Training Network
- Adrienne Campbell, Consultant and Designer, Pixel Design
- Richard Coverdale, Research Fellow, Deakin University and Website Manager, *Rural Law Online*
- Sam Ingles, Director of Corporate Training, Marcus Oldham College
- Neil Jacobson, Workforce Development Manager, AgriFood Industry Skills Council Australia
- Ralph Leutton, Consultant to Agrifood Industry Skills Council Australia
- Barb McPherson, Executive Director, River Murray Training
- Stephen Segrave, Lecturer Institute of Teaching and Learning, Deakin University

***Participants in the Victorian research project consultations***

- Jenny Frederiksen, Policy Advisor Education, Victorian Farmers Federation; Policy Council Committee Manager Dairy Projects, United Dairyfarmers of Victoria
- Alan Blackburn, Director, Alan Blackburn and Associates Consultant—Geelong (Agribusiness consultants)
- Sam Inglis, Director Corporate Training, Marcus Oldham College
- Greg Smith, EMS Project Manager, Victorian Farmers Federation
- Barry Dingham, Education Officer, Department of Primary Industry AgTrain—Knoxfield
- Peter Carr, Past Program Manager, Department of Primary Industry administered FarmBis Program
- Julie Kean, Development Manager, South West TAFE—Warrnambool
- Nickie Berrisford, Executive Officer, Grain Industry Training Network
- Andrew Hogan, Teacher, North Melbourne Institute of TAFE
- Bill Hamill, Chief Executive Officer, Rural Industries Skill Training (RIST), Hamilton
- Mike Stephens, Director, Mike Stephens and Assoc (Agribusiness consultants)

- Rod Ashby, Director, RG Ashby Pty Ltd (Agribusiness consultants)
- Karen Bowley, Principle Solicitor, Upper Murray Family Care—Albury/Wodonga Community Legal Centre
- Robert Doolan, Rural Services Officer, Centrelink
- Patricia Murdock, Executive Manager Industrial Relations and Human Resources, Victorian Farmers Federation
- Vince Thorne, Rural Counsellor, Terang Rural Counselling Service
- Joe Edmonds, Solicitor, Loddon/Campaspie Community Legal Centre—Bendigo; Past Legal Council Rural Finance Corp
- Andrew Weideman, Board Member –, Birchip Cropping Group; Vice President – VFF Grains Group
- Peter Goffin, Chief Legal Counsel, Rural Finance Corporation
- Ewan Rogers, Office Manager, Rural Finance Corporation, Warrnambool
- Michael Napier, Lending Officer, Rural Finance, Echuca
- Grant Thomas, Lending Officer, Rural Finance Corp, Warrnambool
- Rob Brown, Partner, Peppin Planners Pty Ltd, Deniliquin (Financial consultants)
- Ian Lee, Industry Liaison Officer, Primary Skills Victoria
- David Faram, Solicitor/Partner, Faram Ritchie Davies Solicitors—Shepparton
- Lis Blandamer, Manager Horticulture Group, Victorian Farmers Federation
- Roger MacInnes, Senior Animal Health Officer, Department of Primary Industry
- Mike Shaw, President, VFF Chicken Meat Growers Group

***E learning/pedagogical experts—Victorian Research Project***

- Arthur Reiger, Director Learning Services, Deakin Prime
- Angie Taras, Director Business Development, Deakin Prime
- Francis Ramirez, Manager—Online Services Group, Deakin Prime
- Sue Goodbourn, Team Leader—E Learning, University of Ballarat—E Learning Unit
- Professor Rodney Carr, Associate Dean Teaching and Learning, Deakin University—Faculty of Business and Law
- Pam Woodward, Senior Educator—TAFE Development, University of Ballarat—E Learning Unit
- Lauri Grace, Lecturer, Deakin University—School of Education

# Appendix 7 Priority law topics—Victorian research report

Topic	171 responses		% of all respondents**	Law themes	
	No. of responses*				
***Contracts/agreements – share farming	11	20	66%	Contracts and agreements	
Contracts/agreements – leasing/agistment/supply/general	9				
Contract breeding	1		3%		
Succession	13		43%	Succession and family business relationships	
Family law	3		10%		
Mediation	2		7%		
Managing relationships	2		7%		
Wills estate planning	2		7%		
Aged care	1		3%		
Business structure	12		40%	Business structures and governance	
Corporate governance	5		17%	Employment related law	
Employment	12		40%		
OHS	7		23%		
WorkCover, accident compensation	3		10%		
Water law	10		33%		
Price risk management (forward contracts/hedging, etc.)	10		33%	Investment/debt and price risk management	
Banks lending agreements, credit & debt	6		20%		
Superannuation, investment	4		13%		
Marketing produce	1		3%		
Managed investment schemes	1		3%		
Environmental law	7		23%		
GMO	4		14%		
Chemical use	4		14%	Land and environmental management	
Land management	2		7%		
Land stewardship	2		7%		
Native vegetation	2		7%		
Dairy waste	1		3%		
Noxious weeds	1		3%		
Noise and air pollution	1		3%		
Carbon trading	1		3%		
Catchment/ Land Protection Act	1		3%		
Professional development for lawyers, accountants, financial planners, etc.	7		23%		Professional development for rural/regional services
Taxation	5		17%		Taxation Law
Planning law	4		14%	Planning and property law	
Fences and boundaries	3		10%		
Land ownership, transfer, subdivision	2		7%		
Animal welfare, disease	3		10%		
Using legal services	2		7%	Using legal services	
Export trade	1		3%	Export law	
Public liability	1		3%	Public liability	
Use of farm vehicle on private/public land	1		3%	Use of farm vehicle on private/public land	
Intellectual property	1		3%	Intellectual property	

\* Priority topics were nominated by focus groups on a consensus basis and are counted as one response and one respondent.

\*\* The two focus groups are counted as two respondents. These and the 28 individual respondents make a total of 30 respondents.

\*\*\* Shading indicates the priority topics identified within each theme

# Appendix 8 Commodity groups and priority law themes

The table below shows the percentage of each commodity group which identified a law theme as a priority.

Commodity	Number of respondents	Law and business	Contracts and agreements	Employment law	Law and finances	Environmental law	Water law	GM crops	Law and families	Dealing with legal disputes	Property and planning law	Animal management and welfare
Beef	66	58.5%	53.8%	60.0%	75.4%	73.8%	60.0%	18.5%	67.7%	63.1%	75.4%	58.5%
Cropping and grains	23	66.7%	70.8%	66.7%	87.5%	54.2%	33.3%	50.0%	70.8%	41.7%	70.8%	8.3%
Dairy	27	74.1%	77.8%	77.8%	81.5%	55.6%	48.1%	25.9%	74.1%	40.7%	70.4%	40.7%
Horticulture	33	75.8%	67.6%	82.4%	75.8%	88.2%	78.8%	24.2%	54.5%	57.6%	67.6%	21.2%
Mixed farming	96	70.8%	66.7%	74.0%	86.5%	74.0%	62.5%	34.4%	72.9%	53.1%	75.0%	58.3%
<b>Total</b>	245*											

\*Not all commodities have been included in this table. To ensure percentages are meaningful, this table includes only those commodities with at least twenty respondents

# The Law and Legal Compliance Training Needs of Primary Producers in Australia

RIRDC Publication No. 09/137

By Richard Coverdale

The ability to plan for and comply with an increasingly complex range of laws governing primary production, natural-resource management and business activities, directly affects the viability of individual agricultural enterprises and the efficiency of the industry as a whole. Yet primary producers are often inadequately resourced to interpret these laws, determine their impact or initiate practices for their implementation.

This research project indicates the areas of law primary producers identify as priorities for their businesses and factors that influence the effective delivery of training on law and legal compliance to this market. A proposed model for the development and delivery of law and legal compliance training, which takes into account the capacity and needs of the industry, has also been provided within the report.

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The Law and Legal Compliance Training Needs of Primary Producers in Australia RIRDC Publication No. 09/137

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