

Australian Peoples Tribunal for Community and Nature's Rights
Initial Statement – Panel of Citizen Judges
10 December 2018

2018 Tribunal Hearing into the Impacts of Industrial Scale Agriculture
on Community and Nature's Rights

On 27 October, 2018, the Australian People's Tribunal for Community and Nature's Rights ("the Tribunal") held a hearing in Brisbane on the impact of industrial scale agriculture on communities and the Australian ecosystem. The Tribunal considered evidence from First Nations Peoples, farmers, scientists, lawyers and other community members about the nature, extent and impact of such agricultural practices. Evidence concerning government policies towards such agriculture and regulatory practices was also considered by the Tribunal.

The evidence presented clearly demonstrates that the impact of industrial scale agriculture, particularly since the middle of the 20th Century, has been substantial and particularly devastating for Australia's biodiversity, ecosystems and bioregions. For example, the Tribunal heard testimony regarding the decline of water flows in the Darling River due to extraction of water for agricultural irrigation, as well as testimony regarding waterways polluted by the use of pesticides and chemicals in large scale industrial agriculture.

Irrigation for cotton farming and other crops has brought river systems to the brink of exhaustion with potential catastrophic implications for rural communities, particularly those of First Nations Peoples, and the ecosystem generally. Other deleterious impacts have resulted in bioregions across Australia from large scale livestock grazing, which has brought vast deforestation with consequent lack of tree cover, bringing innumerable negative effects for the soils, land and wildlife.

Testimony was presented that showed how more than 80 percent of vegetation in the Brigalow Belt Bioregion has been cleared since the 1950s for grazing, and how alternative regenerative practices can be used that do not cause such ecological devastation.

A formal judgement will be released by the Tribunal in February 2019.

The initial opinion of the Tribunal Panel of Lawyers and First Nations representatives, is that industrial scale agricultural practices, along with short-sighted government policies and failure of regulation, in part the result of regulatory capture by corporate interests, have already caused substantial damage to forests, soils, river systems, flora and fauna, and human communities, particularly those of First Nations Peoples.

The Tribunal heard evidence that agricultural policies and practices since 1788 have forced First Nations Peoples from their lands and made it difficult or impossible to continue their custodial obligations and responsibilities to Country, which they have been carrying out for millennia.

The Tribunal Panel was also persuaded by the evidence that continuation of an agricultural sector using the practices of industrial agriculture is unsustainable in the long term, and threatens to bring about the collapse of Australia's many diverse ecosystems.

The Tribunal considers the situation to be such that a transformation of agricultural production and distribution into a system of regenerative agriculture that restores and supports, rather than destroys, ecosystems and community health, is urgently required.

The Tribunal believes that in the interest of justice and fairness:

- **The Australian and state governments** must *listen to affected communities*, farmers, scientists, First Nations Peoples' and environmental groups, about how to create a regenerative agricultural system that supports, rather than destroys, the rights of communities and ecosystems to exist and flourish, and work to build a new, regenerative agricultural system for Australia in the 21st Century.
- **The Australian and state governments** must *establish an inquiry* into the failure of regulation that has accompanied the rapid expansion of industrial scale agriculture, and to establish a policy and programmes for reparations to those negatively affected.
- **The Australian Government** must *establish a Royal Commission* into the State of the Murray Darling Basin and the management of the Murray-Darling Basin Plan urgently. And including a close examination of the affects that have been caused by the National Water Initiative.

- **First Nations Peoples** must be listened to, and appropriate actions taken, to ensure they can access and manage their lands, and carry out their custodial responsibilities to care for country.
- **The Australian Peoples' Tribunal for Community and Nature's Rights** should host, as soon as practically possible, a Citizens' Inquiry into the Health of the Darling River and Menindee Lakes, to give a voice to the communities affected by the decline of the Darling River and support their arguments for urgent and significant reform of the legal and governance regime that has led to the deterioration of the Darling River and the Menindee Lakes.
- **New and existing civil society projects** should be supported by wider Australian society, as well as philanthropy and government resources, to create, pilot, show case, and expand, regenerative agriculture at all scales of Australian society.