

Committee Secretary
House of Representatives Standing
Committee on Agriculture
PO Box 6021
Parliament House
Canberra ACT 2600

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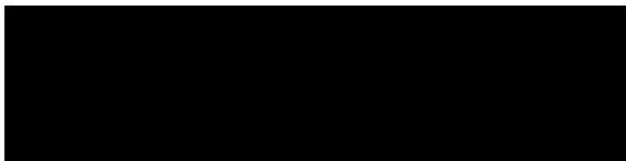
Submission made via email:
Agriculture.reps@aph.gov.au

Dear Committee Secretary

Inquiry into food security in Australia

1. Thank you for the opportunity to make a submission to the inquiry into food security in Australia.
2. I appreciate the opportunity to contribute to this important inquiry, and **enclose** the following annexures for your consideration:
 - (a) Submission,
 - (b) Annexure A – Table identifying the significance food security has on the long-term economic strategies, plans, and policies across all Commonwealth ministerial portfolios, and
 - (c) Annexure B – Letters of Support:
 - (i) **Dr Erin O’Donnell**, Senior Research Fellow, Melbourne Law School
 - (ii) **Lyndsey Rice**, CEO, Children’s Hospital Foundation
 - (iii) **National Farmers’ Federation Young Farmers’ Council**
 - (iv) **Queensland Law Society – Water & Agribusiness Law Committee**
 - (v) **Andrew Hay**, Head of Agribusiness & Food, Clayton Utz
3. Please do not hesitate to contact me if you have any queries regarding the contents of my submission.

Yours sincerely



Caitlin McConnel



Submission Contents

1.	Executive Summary	3
1.1	Background.....	3
1.2	Overall Recommendation	4
2.	Consideration	6
2.1	What is food security?	6
2.2	What is Australia’s approach to food security?	8
2.3	A circular consideration: linking the fundamental role food, water, and natural resources play in satisfying fundamental human needs, human rights obligations, and national security; particularly considering climate change.....	9
3.	Independent Review Process	26
3.1	Time Period	26
3.2	Draft Terms of Reference	27
3.3	Qualifications / Capabilities of Independent Reviewer	27

Submission to the House Standing Committee on Agriculture Inquiry into food security in Australia

By Caitlin McConnel, LLM(Hons) LLB(Hons) BBUS(Fin) GdLP Certified Chair^{TM1}

1. Executive Summary

1.1 Background

1. The House Standing Committee have been asked by the Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt, to inquire into and report on strengthening and safeguarding food security in Australia, including examining:
 - (a) National production, consumption and export of food;
 - (b) Access to key inputs such as fuel, fertiliser and labour, and their impact on production costs;
 - (c) The impact of supply chain distribution on the cost and availability of food; and
 - (d) The potential opportunities and threats of climate change on food production in Australia.
2. Notwithstanding the important topics raised by the terms of reference, I am of the view that the ability to strengthen and safeguard food security in Australia should be informed by a thorough independent review that recognises the fundamental role food and water security play in long-term domestic economic sustainability and development.
3. This is in circumstances where in May 2022, the World Food Programme published the 2022 Global Report on Food Crisis (**2022 GRFC**) which identified at high level that the world is facing a supercharged three-dimensional crisis, in respect of food, energy and finance which are compounded by the coronavirus pandemic, climate change, and inadequate resources.²
4. Moreover, despite commitment to, and some progress towards, the UN Sustainable Development Goals (**SDGs**) by UN Member States, the Food and Agriculture Organization of the United Nations (**FAO**) has projected that the world is not on track to achieve SDG 2, Zero Hunger, by 2030 – and the coronavirus pandemic has made the pathway even steeper.³ Significantly, the GRFC indicated that levels of hunger in 2021 surpassed all previous records with the outlook for global acute food security expected to deteriorate further.⁴ The main drivers of food insecurity were identified as being economic shocks such as food price

¹ **Senior Associate** (Agribusiness & Food) - [Clayton Utz](#); **Grazier** – Cressbrook Station Pastoral, **Non-Executive Director & Chair** – [Future Farmers Network](#), **Director** – [Royal Agricultural & Industrial Association of Queensland Foundation](#); **Non-Executive Director**, [RRR Women](#) (formerly Queensland Rural, Regional and Remote Women's Network); **Committee Member**, [NFF Young Farmers' Council](#); **Committee Member** – [Queensland Law Society Water & Agribusiness Law Committee](#)

² Global Network Against Food Crisis, '2022 Global Report on Food Crises: Joint Analysis for Better Decisions' (Report), 5.

³ Food and Agriculture Organization of the United Nations, 'That State of Food Security and Nutrition in the World 2021: The world is at a critical juncture', (Webpage) <<https://www.fao.org/state-of-food-security-nutrition/2021/en/>>.

⁴ Above, n 2, 6.

increases, inflation, disrupted trade flows, and displacement, as well as weather extremes in the form of drought, flooding, and cyclones.⁵

5. Notwithstanding this grim outlook, the FAO in its 2021 Report on the State of Food Security and Nutrition in the World, stated that food system transformation can still occur through pathways including scaling of climate resistant food systems, strengthening economic resistance, food chain intervention, and changing consumer behaviour.⁶ Indeed, the 2022 GRFC encourages political uptake and coordination of initiatives or frameworks that ‘address the underlying multi-dimensional drivers of food crisis including environmental, political, economic, society and security risk’,⁷ whilst the Sydney Environment Institute recently recommended that existing disconnected and fragmented policies as well as responses across public and private spheres should be broken down, ‘in order to design more comprehensive interventions that better address the complex reality of food insecurity in Australia’.⁸
6. As a result, this submission takes a holistic approach to the issue of food security considering the recommendation made by the 2022 GRFC as well as international examples of food security frameworks, and provides recommendations for the development of a National Food Security Strategy based on the interaction between food, water, and natural resources with complementary sectors such as healthcare, energy and natural resources, Indigenous affairs and land use, climate change and natural disaster mitigation, competition and trade, education, finance, transport, planning and development.

1.2 Overall Recommendation

Independent Review

7. An independent review should be undertaken into the Australian food system and existing national food security frameworks, including the National Food Plan,⁹ for the purpose of proposing recommendations for the structure and development of a National Food Security Strategy that:
 - (a) uses the UN Sustainable Development Goals as a guide,
 - (b) has regard to the fundamental role food, water, and natural resources play in satisfying fundamental human needs,
 - (c) strengthens and safeguards Australia’s domestic food security, and global export capabilities,
 - (d) informs the development of long-term economic strategies, plans, and polices across all Commonwealth ministerial portfolios,¹⁰ and

⁵ Above, n 2, 7.

⁶ Above, n 3.

⁷ Above, n 2, p 9.

⁸ Oma Elkharaouf, Kate Cox, David Schlosberg, Alana Mann and Eva Perroni (2021) ‘In the land of the “fair go”: global food policy lessons beyond the charity model’, *Local Environment* 26:10, 1192 – 1204.

⁹ Published May 2013 in the form of a white paper by the Gillard Government.

¹⁰ Agriculture, Fisheries & Forestry; Attorney-Generals; Climate Change, Energy, the Environment and Water; Defence; Education; Employment and Workplace Relations; Finance; Foreign Affairs and Trade; Health and Aged Care; Home Affairs; Industry, Science and Resources; Infrastructure, Transport, Regional Development,

- (e) mitigates the effect of climate change through interaction with efforts made by complementary sectors' efforts to avoid / minimise the impacts to human rights and national security,

in circumstances where:

- (f) Australian food policies have traditionally been geared towards increasing productivity and profits within the agricultural sector, rather than on human development or food security,¹¹
- (g) the Australian Institute of Family Studies (an Australian Government statutory agency) has recognised food as a fundamental human right,¹² and
- (h) the UN Secretary-General:
- (i) through the 2022 GRFC encourages the development of frameworks addressing 'the underlying multi-dimensional drivers of food crisis including environmental, political, economic, society and security risk',¹³ and
- (ii) in light of the [UN People's Summit Focussed on Solutions for People, Planet and Prosperity](#) convened in September 2021, recommends that a systems approach (to the development of national frameworks) must involve multiple sectors of government interacting with scientific, traditional, Indigenous, and business disciplines to ensure that the focus on feeding growing populations contributes 'to people's nutrition, health and well-being, restore and protect nature, are climate neutral, adapted to local circumstances, and provide decent jobs and inclusive economies', in circumstances where food is a 'right for people that must be realized, and the economic, social and environmental impact and externalities must be better assessed and mitigated or leveraged as required'.¹⁴

Independent Reviewer

8. In circumstances where the UN have recommended that national mechanisms pertaining to food security should respect the human right to food, whilst also contributing to people's nutrition, health and well-being, restore and protect nature, be climate neutral, adapted to local circumstances, and provide decent jobs, and inclusive economies,¹⁵ an independent reviewer should be an external consultant, with experience in law, agriculture, private practice, government, and corporate governance, to ensure that recommendations are multipartisan in nature.

Communications, and the Arts; Parliamentary Departments; Prime Minister and Cabinet; Social Services; Treasury; Veterans' Affairs.

¹¹ Above, n 8.

¹² Australian Government – Australian Institute of Family Studies, 'Understanding food insecurity in Australia' (Report) 2020, 4.

¹³ Above, n 2, 9.

¹⁴ United Nations, 'Secretary-General's Chair Summary and Statement of Action on the UN Food Systems Summit: 23 September 2021 (Webpage) <<https://www.un.org/sg/en/content/sg/statement/2021-09-23/secretary-general%E2%80%99s-chair-summary-and-statement-of-action-the-un-food-systems-summit>>.

¹⁵ Ibid.

9. Following examples set by:
- (a) the UN People's Summit Focusses on Solutions for People, Planet and Prosperity convened in September 2021, and
 - (b) the United Kingdom Government Department of Environment, Food and Rural Affairs commissioning of an independent review into the UK food system in 2019,
- the independent reviewer should consult with, and seek submissions from, government, private enterprise, and the public across all Commonwealth ministerial portfolios, and undertake independent research for the purposes of proposing recommendations for the structure and development of a National Food Security Strategy.

2. Consideration

10. In reaching the overall recommendation above, I have considered the fundamental role food, water, and natural resources play in respect of economic development and sustainability. I have considered the approaches taken in respect of food security by the UN, the United Kingdom and Canada, as well as the role food security plays in respect of satisfying fundamental human needs, human rights obligations, and national security in the context of climate change and climate change litigation.
11. At Item 3 of this submission, I have also made recommendations for the proposed timeframe, terms of reference, and qualifications of a suitable independent reviewer.

2.1 What is food security?

12. Food security, at the individual, household, national, regional, and global levels, is defined in the Rome Declaration on World Food Security dated 13 November 1996 as being achieved when 'all people, at all times, have physical and economic access to sufficient, safe and nutritious food to meet their dietary needs and food preferences for an active and healthy life'. Food insecurity has been recognised as being experienced as chronic (due to high cost of living) and transitory (due to short-term shocks such as natural disasters, pandemics, or civil unrest), and rarely occurs in isolation but rather alongside economic, health, and housing insecurity.¹⁶
13. In a report published by the Australian Institute of Family Studies in 2020 titled 'Understanding food insecurity in Australia' (**Australian Family Studies Report**), which relied upon the UN definition of food security, it was recognised that food 'as a fundamental human right', should be 'able to be sourced in ways that are socially acceptable and maintain human dignity', which means that regular marketplace sources are available and families do not have to 'resort to emergency food relief and/or begging, stealing or scavenging'.¹⁷
14. In keeping with the four dimensions of food security defined by the FAO as being food availability, food access, food use, and food stability and sustainability, the Australian Family Studies Report opined that there were 'many factors that affect how individuals, families and communities experience food security and insecurity' in Australia, and that the socio-

¹⁶ Above, n 12, 9.

¹⁷ Above, n 12, 4.

ecological model of food security¹⁸ should be used to develop best-practice strategies for addressing food security, which is as follows:

Level	Strategies
Individual (individuals)	Skills, knowledge, confidence, attitudes, beliefs, development stage, self-belief
Interpersonal (family, friends, community groups)	Social norms and rules, cultural customs
Organisational (service and education organisations)	Codes of conduct, practice guidelines, procedures
Community (regions, localities)	Access, availability and affordability, transportation
Public Policy (governments, peak bodies)	Laws and policy, practice frameworks, doctrines, codes of conduct

15. Whilst the Australian Family Studies Report focussed on outlining best-practice strategies for addressing food security at the individual, interpersonal and organisational levels in Australia, it did not consider community or public policy solutions. Indeed, it has been identified that Australian food policies have traditionally been geared towards increasing productivity and profits within the agricultural sector, rather than on human development or food security.¹⁹

16. The reality of food insecurity in Australia has increased in recent years due to supply chain issues associated with the coronavirus pandemic, natural disasters, and geopolitical tensions, notwithstanding recent analysis from ABARES indicating that Australia remains one of the most food secure nations in the world.²⁰ Indeed, over 5 million Australians are now experiencing food insecurity,²¹ and in an article published by the Sydney Environment Institute in July 2021 (**SEI Article**), it was identified that the 'demand for and expansion of food banks, community agencies, and school breakfast programmes in Australia has led to the emergency food relief system being referred to as an 'industry in itself, with the coronavirus pandemic, recent natural disasters, and associated economic pressures only exacerbating food insecurity.'²²

17. Using innovative local good governance models from around the world, the authors of the SEI Article identified the need to 'break down the disconnected, siloed, and fragmented policies and responses across public and private spheres in order to design more comprehensive interventions that better address the complex reality of food insecurity in Australia';²³ which is

¹⁸ Based on the report from McLeroy, K., Bibeau, D., Steckler, A., & Glanz, K. (1988). An Ecological perspective on health promotion programs. *Health Education Quarterly*, 15(4), 251–377.

¹⁹ Above, n 8.

²⁰ Australian Government – Department of Agriculture, Fisheries and Forestry, 'Analysis of Australia's food security and the COVID-19 pandemic' (Webpage) <<https://www.agriculture.gov.au/abares/products/insights/australian-food-security-and-COVID-19#what-is-food-security>>.

²¹ OzHarvest, 'Advocacy' (Webpage) <<https://www.ozharvest.org/fight-food-waste/our-advocacy/>>.

²² Above, n 8.

²³ Above, n 8.

a finding echoed at the UN People’s Summit Focussed on Solutions for People, Planet and Prosperity held in September 2021.²⁴

2.2 What is Australia’s approach to food security?

18. Australia has had national frameworks developed in previous years for the purposes of bolstering food security, including the Food and Nutrition Policy in 1992, and Eat Well Australia (2000 – 2010), however the recommendations included to address food and nutritional insecurity have been regarded as ‘limited and peripheral in nature’.²⁵ Moreover, some high-level strategies including the National Aboriginal and Torres Strait Islander Peoples in Australia Nutrition Strategy and Action Plan have been identified as having limited success due to a lack of inclusion of those individuals that the plan is seeking to support during the evaluation and development process.²⁶

19. Published in May 2013 in form of a white paper by the Gillard Government, the [National Food Plan](#) was the first national framework developed to ensure ‘that Australia has a sustainable, globally competitive and resilient food supply that supports access to nutritious and affordable food’. To achieve the then Australian Government’s vision for Australia’s food system, 16 goals were set for accomplishment by 2025, only two of which related to food security, namely:
 - (a) Australia will have built on its high level of food security by continuing to improve access to safe and nutritious food for those living in remote communities or struggling with disadvantage.
 - (b) Australia will have contributed to global food security by helping farmers in developing countries gain access to new agricultural technologies.

20. Moreover, the deliverables set to reach these goals do not appear to include consideration, or planning, for domestic food insecurity outside that which was already experienced by those in remote communities or set aside for ‘a national emergency (such as a severe influenza pandemic), a multi-regional event, or significant events occurring concurrently in several jurisdictions’.²⁷

21. While it is important to note that some legislative amendments and Government initiatives were established following the publication of the National Food Plan (including the recent inclusion of food and grocery assets in the asset classes to be protected under the *Security of Critical Infrastructure Act 2018* (Cth)), the issue of domestic food insecurity has not been considered at length by the Australian Government to date, nor has its intrinsic link to long-term domestic economic sustainability and development, or fundamental human rights.

22. At a state and territorial level, food security policies have been identified as limited, and primarily grounded on food availability, accessibility, and agricultural productivity.²⁸

²⁴ Above, n 14.

²⁵ Above, n 8.

²⁶ Above, n 8.

²⁷ Caitlin McConnel, ‘UK aiming to avoid food shortages through National Food Strategy: what about Australia?’, (Webpage) <<https://www.claytonutz.com/knowledge/2022/july/uk-aiming-to-avoid-food-shortages-through-national-food-strategy-what-about-australia>>.

²⁸ Above, n 8.

2.3 **A circular consideration: linking the fundamental role food, water, and natural resources play in satisfying fundamental human needs, human rights obligations, and national security; particularly considering climate change.**

Holistic recommendations made by the UN

23. On 13 November 1996, the Heads of State attending the World Food Summit, including Australia, reaffirmed 'the right of everyone to have access to safe and nutritious food, consistent with the right to adequate food and the fundamental right of everyone to be free from hunger', through adoption of the Rome Declaration on World Food Security (**Rome Declaration**) and associated World Food Summit Plan of Action (**WFS Plan of Action**).
24. The Rome Declaration and the WFS Plan of Action were developed to 'lay the foundations for diverse paths to a common objective – food security', and set out several commitments and objectives, including that Member States:
- (a) Will **ensure an enabling political, social, and economic environment** designed to create the best conditions for ... achieving sustainable food security for all.²⁹
 - (b) Will implement policies ... to **ensure that food supplies** are safe, physically, and economically accessible, appropriate, and adequate to **meet the energy and nutrient needs of the population**.³⁰
 - (c) Will implement policies ... to promote access for all, especially the poor and members of vulnerable and disadvantaged groups, to basic **education and primary health care** provision in order to **strengthen their capacity for self-reliance**.³¹
 - (d) Will pursue participatory and sustainable food, agriculture, fisheries, forestry and rural development policies and practices ... (**which consider**) the **multifunctional character of agriculture**.³²
 - (e) Will pursue ... development policies and practices ... (that) take decisive action in **cooperation between the public and the private sectors** to strengthen and broaden research and scientific cooperation in agriculture, fisheries and forestry in supporting policy and international, regional, national and local action to increase productive potential and maintain the natural resource base in agriculture, fisheries and forestry and in support of efforts to eradicate poverty and promote food security.³³
 - (f) Will strive to **ensure that food, agricultural trade, and overall trade policies are conducive to fostering food security** for all through a fair and market-oriented world trade system.³⁴

²⁹ Commitment One, World Food Summit Plan of Action.

³⁰ Objective 2.3 of Commitment Two, World Food Summit Plan of Action.

³¹ Objective 2.4 of Commitment Two, World Food Summit Plan of Action.

³² Commitment Three, World Food Summit Plan of Action.

³³ Objective 3.4 of Commitment Three, World Food Summit Plan of Action.

³⁴ Commitment Four, World Food Summit Plan of Action.

- (g) Will **endeavour to prevent and be prepared for natural disasters and man-made emergencies and to meet transitory and emergency food requirements** in ways that encourage recovery, rehabilitation, development, and a capacity to satisfy future needs.³⁵
- (h) Will **strive to clarify the content of the right to adequate food and the fundamental right of everyone** to be free from hunger, as stated in the International Covenant on Economic, Social and Cultural Rights and other relevant international and regional instruments ...³⁶

(Emphasis added).

25. Whilst there remains no ‘universal consensus on how the intersections between food, nutrition, human health, and agri-governmental sustainability should be framed’,³⁷ the UN Secretary-General has recently opined that the food system does not thrive without all industry sectors working as one, and that a systems approach (involving government, businesses, and citizens) must be taken for the development of national mechanisms that respect the human right to food and contributes ‘to people’s nutrition, health and well-being, restore and protect nature, are climate neutral, adapted to local circumstances, and provide decent jobs and inclusive economies’.³⁸ This is in circumstances where sustainable food production systems and food security are being recognised as having an essential role to play in the solution to existing challenges associated with climate change, such as greenhouse gas emissions, biodiversity loss, and economic volatility.³⁹

26. Relevantly, the UN Secretary-General also identified that:

‘Rich or poor, young or old — every person in the world needs to eat. **Safe and nutritious food provides not only life and health**, but hope. Every day, billions of people harvest, process and transport food to market and to our homes. Consumers make choices of what to eat, based on what is available and accessible. **This daily activity touches us all, and underpins our cultures, our economies, and our relationship with the natural world.** Women, often the backbone of food systems, and young people, provide fresh hope for transformative food systems that bring us together as families, communities, and nations in harmony with nature.

As we entered the Decade of Action to achieve the Sustainable Development Goals (SDGs) by 2030, many of the world’s food systems were fragile and not fulfilling the right to adequate food for all. Hunger was on the rise again. Three billion people — almost half of all humanity — could not afford a healthy diet. Malnutrition in all its forms — including obesity — was deeply entrenched, leading to a broad range of negative health, education, gender, and economic impacts. **Drivers of food insecurity and malnutrition — including conflict, climate extremes, and economic volatility — are further exacerbated by poverty and high levels of inequality’.**⁴⁰

(Emphasis added).

³⁵ Commitment Five, World Food Summit Plan of Action.

³⁶ Objective 7.4 of Commitment Seven, World Food Summit Plan of Action.

³⁷ Above, n 8.

³⁸ Above, n 14.

³⁹ Above, n 14.

⁴⁰ Above, n 14.

27. The UN Secretary-General's comments were as a result of a UN convened People's Summit Focussed on Solutions for People, Planet and Prosperity (**People's Summit**) held in 2021, which involved tens of thousands of people including farmers, Indigenous peoples, civil society, researchers, academics, young people and business leaders from local to global levels within the food system – the first of its kind in the world - for the purposes of 'asking countries to confront the reality of balancing food production with climate action, affordable food with healthy diets, and stable food supplies with fair and open trade'.⁴¹
28. In support of the format and purpose of the People's Summit, the UN Secretary-General advised that:⁴²
- (a) The event afforded a rich and diverse opportunity for 'inspiring visions for transformative food systems' to be forged in circumstances where government actively 'gathered businesses, communities, and civil society to chart pathways for the future of food systems that respect human rights.'
 - (b) The process and cumulative dialogues of all people revealed 'key building blocks for action by governments, together with different stakeholders, to further strengthen food systems by 2030 and support people to realize their right to food'.
 - (c) The overarching agreement that 'the food system does not thrive without all sectors working as one, towards common goals', demonstrates that we must 'urgently move from incremental and siloed action towards a systems approach'.
 - (d) A systems approach must involve multiple sectors of government interacting with scientific, traditional, Indigenous, and business disciplines to ensure that the focus on feeding growing populations contributes 'to people's nutrition, health and well-being, restore and protect nature, are climate neutral, adapted to local circumstances, and provide decent jobs and inclusive economies', and does not just see the value of food as 'a mere commodity'. Indeed, food is a 'right for people that must be realized, and the economic, social and environmental impact and externalities must be better assessed and mitigated or leveraged as required'.
 - (e) In the context of food security, rather than creating new goals or strategy, the world needs to 'move boldly' and implement the SDGs we have, in circumstances where for example:

'Food systems have a key role to play in ending poverty and achieving SDG 1. Addressing the coexistence of overnutrition and malnutrition will be crucial to meeting health objectives in SDG 3. It will be impossible to sustainably manage water resources to achieve SDG 6 without agriculture playing a central role. Sustainable fisheries management is fundamental for the conservation and sustainable use of the oceans and seas and the achievement of SDG 14. Food systems more broadly must also reflect our commitments on sustainable consumption and production in SDG 12, climate change adaptation and mitigation in SDG 13, and the protection, restoration, and sustainable management of terrestrial ecosystems in SDG 15.'

⁴¹ United Nations, 'The Food Systems Summit – A New Deal for People, Planet and Prosperity: Statement by Dr Agnes Kalibata, 21 September 2021' (Webpage) <<https://www.un.org/en/food-systems-summit/news/food-systems-summit-new-deal-people-planet-and-prosperity>>.

⁴² Above, n 14.

- (f) The UN must support 'national mechanisms (driven by country-level government) that develop and implement national pathways to 2030 that are inclusive and consistent with countries' climate commitments, building upon the national food systems dialogues.' Relevantly, those national pathways must be informed by 'multistakeholder initiatives' that 'respond to country demands, while maintaining strong, inclusive country ownership; have strong stakeholder representation, particularly Indigenous peoples, women and youth — and motivate increased and better coordinated investments by global partners to support the implementation of country objectives'.
29. Considering the purpose and outcome of the People's Summit, and the recommendations voiced by the UN Secretary-General, it is clear that any national framework addressing food security must:
- (a) have regard to the SDGs,
 - (b) have strong stakeholder representations across all parts of the economy,
 - (c) recognise the food is a right for all people, and
 - (d) contribute 'to people's nutrition, health and well-being, restore and protect nature, are climate neutral, adapted to local circumstances, and provide decent jobs and inclusive economies'.

Food Security & Climate Change

30. In June 2022, the Grantham Research Institute on Climate Change and the Environment (**GRICCE**) identified that businesses including agriculture, transport, plastics, and financial sectors – who all have role to play in food security – are those which will face increased ESG risks in light of climate change, and will need to emphasise the importance of human rights; use finance as a level for systemic change; and account for various forms of climate misinformation (greenwashing) so as to avoid climate change litigation.⁴³
31. According to the United Nations Intergovernmental Panel on Climate Change (**IPCC**), climate change is defined as a 'change of climate which is attributed directly or indirectly to human activity that alters the composition of the global atmosphere and which is in addition to natural climate variability observed over comparable time periods'.⁴⁴ Climate change has been described as the 'defining issue of our time',⁴⁵ in circumstances where shifting weather patterns are threatening food production and rising sea levels are increasing the risk of catastrophic flooding.⁴⁶

⁴³ Joana Setzer and Catherine Higham, Grantham Research Institute on Climate Change and the Environment, 'Global Trends in climate change litigation: 2022 Snapshot' (Policy Report).

⁴⁴ United Nations, 'Fact sheet: Climate change science - the status of climate change science today' (Webpage) <https://unfccc.int/files/press/backgrounders/application/pdf/press_factsh_science.pdf>.

⁴⁵ United Nations, 'Climate Change', (Web page) <<https://www.un.org/en/sections/issues-depth/climate-change/>>.

⁴⁶ Ibid.

32. The historic Paris Agreement, which was entered into generally on 4 November 2016,⁴⁷ has set a framework for countries to take an ambitious approach to climate action with outcomes to include:⁴⁸
- (a) keeping global warming below 1.5°C pre-industrial levels,
 - (b) promoting action to adapt and build resilience to climate impacts, and
 - (c) setting transparency and accountability rules to provide confidence in countries' actions and progress.
33. The Paris Agreement was ratified by Australia on 10 November 2016, and entered into force on 9 December 2016,⁴⁹ with Australia setting targets to reduce greenhouse gas emissions through a 'credible policy suite' and by 'encouraging technological innovation and expanding our clean energy sector'.⁵⁰ Significantly, the Climate Change Authority which was established in response to Australia's commitment to the Paris Agreement, determined in its first annual progress report in November 2022 that Australia needed to move faster across all sectors of the economy to achieve net zero targets.
34. Also in 2016, the Task Force on Climate-related Financial Disclosures (**TCFD**) was established by the G20 Financial Stability Board, to assess and ascertain how the financial sector can incorporate climate change related issues in financial reporting.⁵¹ In developing recommendations the TCFD settled on, now globally accepted, definitions on the categorisation of climate change risks, namely physical risks and transition.⁵² Physical risks are those resulting from acute weather events or chronic long terms shifts in climate patterns,⁵³ whilst transition risks are those associated with transitioning to a lower-carbon economy, and may include policy, legal, technology and market changes to address mitigation.⁵⁴ Earlier this year, the World Economic Forum identified in its 2022 Global Risks Report that the top three most severe risks on a global scale over the next 10 years are climate action failure, extreme weather, and biodiversity loss. Indeed, environmental risks associated with climate change are recognised by the TCFD as 'the most complex issues facing business, governments, and society at large'.
35. Significantly, and considering the finding by the IPCC that if global warming continues at its current rate,⁵⁵ Australian legal counsel identified in October 2016 that Australia is 'particularly

⁴⁷ United Nations, 'Paris Agreement - Status of Ratification' (Web page) <<https://unfccc.int/process/the-paris-agreement/status-of-ratification>>.

⁴⁸ Australian Government, Department of the Environment and Energy, 'Paris Agreement' (Web page) <<http://www.environment.gov.au/climate-change/government/international/paris-agreement>>.

⁴⁹ Ibid.

⁵⁰ Above, n 48.

⁵¹ Task Force on Climate Related Financial Disclosures, *Phase I Report of the Task Force on Climate-Related Financial Disclosures* (Report), 31 March 2016, 3.

⁵² See, for example, Australian Securities and Investments Commission, 'Climate risk disclosure by Australia's listed companies' (Report) September 2018.

⁵³ Task Force on Climate-Related Financial Disclosures, *Recommendations of the Task Force on Climate-related Financial Disclosures* (Final Report), June 2017, 6.

⁵⁴ Above, n 53, 5.

⁵⁵ Intergovernmental Panel on Climate Change, 'Global Warning of 1.5C: Summary for Policymakers' *IPCC* (Report, October 2018) < <https://www.ipcc.ch/sr15/>>.

exposed to the physical risks of climate change' and that the following impacts might be felt in due course due to the anticipated rise in atmospheric temperatures:⁵⁶

- (a) the large majority of agricultural production in the Murray-Darling Basin will cease,⁵⁷
- (b) catastrophic destruction of the Great Barrier Reef,⁵⁸
- (c) a significant increase in the cost of supplying urban water,⁵⁹
- (d) a significant increase in health-related deaths,⁶⁰ and
- (e) major dislocation of global mega-cities will be seen through the displacement of people.⁶¹

36. In a supplementary memorandum of opinion published in March 2019, Counsel opined further that Australia is now 'more susceptible to the physical impacts of climate change, and that notable developments in scientific knowledge alongside the finding by the IPCC that the atmospheric temperature will likely rise by 1.5°C by 2054, will 'increase risks to health, food security, water supply, human scarcity, and economic growth'.⁶²

37. Significantly, the FAO identified Australia as a country maintaining a level of food insecurity in 2018,⁶³ which is a result of ongoing drought conditions on agricultural production,⁶⁴ as well as the breakdown of food systems linked to warming and flooding.⁶⁵

38. In considering the impacts above identified by Counsel, and applying the TCFD definitions of climate change risks, the following impacts can already be seen in respect of food security in Australia, and therefore are demonstrative of the importance of the development of a National Food Security Strategy that has regard to climate risks:

- (a) the loss of agricultural production, and loss of access to water, resulting from acute weather events such as drought, flooding, or chronic long-term shifts in climate patterns.⁶⁶
- (b) technological or market changes to agricultural production or tourism near the Great Barrier Reef to mitigate potential destruction.⁶⁷
- (c) global water and food insecurities are contributing to threat multipliers such as forced migration and geo-political tensions.⁶⁸

⁵⁶ Noel Hutley SC and Sebastian Hartford Davis, 'Climate Change and Directors' Duties' (Memorandum of Opinion, Centre for Policy Development and Future Business Council, 7 October 2016) [17].

⁵⁷ Above, n 56, [17.1].

⁵⁸ Above, n 35, [17.2].

⁵⁹ Above, n 56, [17.3].

⁶⁰ Above, n 56, [17.4].

⁶¹ Above, n 56, [17.5].

⁶² Noel Hutley SC and Sebastian Hartford Davis, 'Climate Change and Directors' Duties' (Supplementary Memorandum of Opinion, Centre for Policy Development, 26 March 2019) [5].

⁶³ Food and Agriculture Organization of the United Nations, 'World Food and Agriculture Statistical Pocketbook 2018', (Web page) <<http://www.fao.org/3/ca1796en/CA1796EN.pdf>>.

⁶⁴ Caitlin McConnel, 'Critical Human Water Needs: Failing to Comply with the Objects of the Water Act and Human Rights Obligations', (2019) 36 *Environmental and Planning Law Journal* 212, 213.

⁶⁵ Thomas Clarke, 'The Widening Scope of Directors' Duties: The Increasing Impact of Corporate Social and Environmental Responsibility' (2016) 39 *Seattle University Law Review* 531, 532.

⁶⁶ Above, n 64, 214.

⁶⁷ World Wildlife Fund, 'Beef' (Web page) <<https://www.wwf.org.au/what-we-do/food/beef#gs.kp74hl>>.

⁶⁸ Above, n 64, 219.

- (d) increased demand in global food production.⁶⁹
 - (e) rising costs of production, including energy, water and labour.
39. Whilst the *Climate Change Act 2022* (Cth) was recently enacted for the purposes of setting out Australia's greenhouse gas emissions reductions targets, there is no current climate change strategy considering the role food security, and agriculture, plays in mitigating climate change. Moreover, in the Climate Change Authority report published in November 2022, there did not appear to be any input from the Department of Agriculture, Fisheries and Forestry, notwithstanding its position that 'climate change poses challenges ... for those sectors dependant on natural resources, like agriculture, forestry and fisheries', and that 'adaptation and land management practices adopted by the land sector play an important role in building resilience and mitigating the physical impacts from climate change'.⁷⁰

The impact of food security on human rights in the context of climate change litigation

40. In its report published June 2022, the GRICCE followed the United Nations Environment Programme (**UNEP**) in taking a narrow definition of climate change litigation, as including 'cases before judicial and quasi-judicial bodies that involve material issues of climate change science, policy, or law'.⁷¹ The UNEP have qualified this definition in previous years, in its 2020 Status Review on Global Climate Litigation, stipulating that such cases typically involve keywords such as 'climate change, global warming, global change, greenhouse gas, GHGs, and sea level rise'.⁷²
41. Nonetheless, the GRICCE have gone further in 2022, now defining the nature of climate change litigation cases into two categories, namely: **climate-aligned litigation** which describes 'cases seeking to advance climate measures; and **non-climate-aligned litigation** which describes both 'anti-regulatory cases aimed at delaying climate action', and 'just transition' cases.⁷³
42. The first cases of climate-change litigation emerged in the energy and resources sectors in the United States,⁷⁴ and were litigious in nature predominately based in the failure of a company, or director, to provide full and timely disclosure of climate change risks,⁷⁵ due to:
- (a) the adoption of the SDGs by all United Nations Member States in 2015, which provide a blueprint for social inclusion, environmental sustainability, and economic

⁶⁹ FAO, 'Global Agriculture towards 2050' (Web page)

<http://www.fao.org/fileadmin/templates/wsfs/docs/Issues_papers/HLEF2050_Global_Agriculture.pdf>.

⁷⁰ Australian Government – Department of Agriculture, Fisheries and Forestry, 'Climate change and the agricultural sector' (Webpage) <<https://www.agriculture.gov.au/agriculture-land/farm-food-drought/climatechange>>.

⁷¹ Above, n 43.

⁷² Above, n 43.

⁷³ United Nations Environment Programme, 'Global Climate Litigation Report: 2020 Status Review', (Webpage) <<https://www.unep.org/resources/report/global-climate-litigation-report-2020-status-review>>.

⁷⁴ Anita Foerster and Jacqueline Peel, 'US Fossil fuel companies facing legal action for misleading disclosure of climate risks: could it happen in Australia?' (June 2017) *Australian Environment Review* 56, 56.

⁷⁵ Australian Council of Superannuation Investors, 'Corporate Sustainability Reporting in Australia, An analysis of ASX200 disclosure' (Report) June 2018, 6.

development,⁷⁶ and a framework for reporting on key social and environmental risks,⁷⁷ and

- (b) the framework for 'consistent climate-related financial disclosure that would be useful to investors, lenders, and insurance underwriters in understanding material risks', published by the TCFD in June 2017 (endorsed by the Reserve Bank of Australia and the Australian Prudential Regulation Authority (**APRA**), and supported by the Australian Securities and Investment Commission (**ASIC**) in 2018).⁷⁸
43. Behind the United States, Australia now has the second-largest volume of climate litigation cases globally.⁷⁹ Whilst most cases continue to be brought against government in respect of challenges to administrative decisions for the approval of projects and developments – including in the context of human rights,⁸⁰ cases associated with breach of directors' duties, including decision-making and corporate disclosure (also known as shareholder activism) have also become apparent.⁸¹
44. Significantly, the GRICCE have indicated that businesses in the food and agriculture, transport, plastics, and finance sectors have increasing exposure to climate change litigation, in circumstances where there has been growing coverage of social development and the 'just transition' to a low-carbon economy, gender and equality, human rights, and food security, with links to climate change.⁸² Significantly, these businesses all have a role to play in food security, and the climate litigation trends identified by the GRICCE have commonalities with some of the most important issues recently highlighted at COP27, including the need to increase climate change ambition and actions from countries, phase down the use of fossil fuels across the energy sector, emphasise the importance of human rights; use finance as a level for systemic change; and hold companies to account for various forms of climate misinformation (greenwashing).⁸³
45. As a result, the GRICCE have indicated that the five areas to watch over the next twelve months include cases:
- (a) involving personal responsibility, including tort claims alleging nuisance, trespass or negligence for failing to mitigate or adapt to the physical impacts of climate change,

⁷⁶ The 17 United National Sustainable Development Goals, adopted by all United Nations Member States in 2015 by way of the 2030 Agenda for Sustainable Development, is identified as providing a blueprint for peace and prosperity for people and the planet, now and into the future. United Nations, 'United Nations Sustainable Development Goals' (Web page) <<https://sustainabledevelopment.un.org/?menu=1300>>.

⁷⁷ Australian Securities and Investments Commission, 'Climate risk disclosure by Australia's listed companies' (Report) September 2018, 14.

⁷⁸ Above, n 62, [3].

⁷⁹ Above, n 43.

⁸⁰ *Waratah Coal Pty Ltd v Youth Verdict Ltd & Ors* (No 6) [2022] QLC 21 – approval for the application for a mining lease overturned by the Court in circumstances where there was found to be sufficient causal connection between the approval of the applications, the combustion of the mined coal, and the harm resulting from climate change to constitute a limit. The case considered the meaning of the right to life, the cultural rights of First Nations peoples, the rights of children, the right to property, the right of privacy and home, and the right to equal enjoyment of human rights, in accordance with the *Human Rights Act 2019* (Qld).

⁸¹ See, for example, recent cases in Australia brought against the Commonwealth Bank and AGL.

⁸² Above, n 43.

⁸³ Above, n 43.

- (b) challenging climate change mitigation commitments that over-rely on greenhouse gas removals or emission reduction technologies,
 - (c) explicitly concerned with the nexus between climate and biodiversity, and
 - (d) exploring legal recourse for loss and damage resulting from climate change (such as increased instances of natural disasters, breach of human rights obligations, and amendments to the Refugees Convention).
46. In the circumstances, a National Food Security Strategy that has regard to the fundamental role food, water, and natural resources play in satisfying fundamental human needs and whilst also strengthening Australia's domestic food security, and global export capabilities may alleviate risks associated with climate change litigation associated with human rights.

Food security in the face of natural disasters, and national security

47. Climate-related natural disasters are now recognised as threat multipliers in Australia, in circumstances where they are, 'influencing and exacerbating geopolitical risks in our region and in the broader international community'.⁸⁴ Significantly, Australia has already been identified as being 'in the region most vulnerable to the impact of climate change, including security threats, resulting from both the onset of long term trends and increased extreme weather events', and that 'the security and humanitarian risk' in Australia 'is significantly higher than in other regions of the world'.⁸⁵
48. Indeed, over 10 years ago, the Australian Strategic Policy Institute recognised and forewarned that the physical effects of climate change have 'the potential to effect water shortages, increase health problems including the spread of disease, and increase potential for property damage, (for example, through more flooding, coastal erosion, storm surges and extreme weather events) and disrupt critical infrastructure' ... whilst 'increased heat, pests, water stress and diseases will **pose adaptation challenges for crop and livestock production ...**' in Australia (emphasis added). All consequences, of which are being experienced now in the face of the ongoing floods, drought, and bushfires, and have been identified by the Senate Foreign Affairs, Defence and Trade References Committee as being significant national security threats.⁸⁶
49. In the 2020 Global Risks report, the World Economic Forum highlighted the urgent reality of climate change and its effect on governments, markets, and societies, advising that 'climate-related natural disasters such as ... flooding and wildfires are becoming more intense and more frequent', and that near-term existential challenges include:
- (a) loss of human life,⁸⁷ loss of species,⁸⁸ and stress on ecosystems,⁸⁹
 - (b) **food and water crisis** through an inability to meet world food production requirements by 2050,⁹⁰

⁸⁴ World Economic Forum, 'The Global Risks Report 2020' (Report) 15 January 2020, 9.

⁸⁵ Above, n 84, 10.

⁸⁶ The Senate Foreign Affairs, Defence and Trade References Committee, 'Implication of climate change for Australia's National Security', Australian Government (Report), May 2018, 13.

⁸⁷ Above, n 84, 30.

⁸⁸ Above, n 84, 46.

⁸⁹ Above, n 84, 31.

⁹⁰ Above, n 84, 31.

- (c) increased migration due to extreme weather events,⁹¹
- (d) exacerbation of geopolitical tensions,⁹² and
- (e) **economic and capital market risks, such as lower GDP due to climate-related economic damage,⁹³ and trade, labour, and supply chain disruption.**⁹⁴

(Emphasis added).

50. National security is currently defined by the Australian Government as its ability to keep individuals 'safe and secure' by making decisions on how to 'deal with threats to the nation's security', 'protect Australia's borders' and 'prevent organised crime'.⁹⁵ In considering the Australian Government's national security policies and initiatives, it appears that the threats to Australia's national security are only recognised as being terrorism, violent extremism, cyber security, data retention and transport and critical infrastructure.⁹⁶ This is despite the Australian Government, under leadership of the then Prime Minister Kevin Rudd, issuing Australia's first national security statement in 2008, which identified that 'over the long term, climate change represents a most fundamental national security challenge for our future'.⁹⁷ He warned that 'significant climate change will bring about unregulated population movements, **declining food production, reductions in arable land, violent weather patterns and resulting catastrophic events**. This is an area of emerging consequence which will require the formal incorporation of climate change within Australia's national security policy and analysis process'.⁹⁸
51. However, it could be inferred that the Australian Defence Force (**ADF**) recognises climate change, or at the very least the ramifications of climate change, as being linked to national security, in circumstances where it defines national security as 'including state and human security', and as 'being inherently linked to the security of health, water energy, **food and economic systems** at the local, national, regional and global level' (emphasis added).⁹⁹
52. In 2013, the Australian Government under the leadership of the then Prime Minister Julia Gillard, released, but did not table to Parliament,¹⁰⁰ a strategy for Australia's national security (the **National Security Strategy**); which has since been removed from government websites.¹⁰¹ The National Security Strategy aimed to develop 'a unified national security system that anticipates threats, protects the nation and shapes the world in Australia's

⁹¹ Above, n 84, 31.

⁹² Above, n 84, 31.

⁹³ Above, n 84, 31.

⁹⁴ Above, n 84, 33.

⁹⁵ Australian Government - Department of Prime Minister and Cabinet, 'National Security' (Webpage) <<https://www.pmc.gov.au/national-security>>.

⁹⁶ Australian Government, 'Australian National Security', (Webpage) <<https://www.nationalsecurity.gov.au/WhatAustraliaIsDoing/Pages/default.aspx>>.

⁹⁷ The Hon. Kevin Rudd MP, 'House of Representatives National Security Speech', Commonwealth of Australia (4 December 2008) <https://parlinfo.aph.gov.au/parlInfo/genpdf/chamber/hansardr/2008-12-04/0045/hansard_frag.pdf;fileType=application%2Fpdf>.

⁹⁸ Ibid.

⁹⁹ The Senate Foreign Affairs, Defence and Trade References Committee, 'Implication of climate change for Australia's National Security', Australian Government (Report), May 2018, 2.

¹⁰⁰ Samuel Bashfield, 'Australia Needs a New National Security Strategy', *The Diplomat* (Article, 1 February 2019) <<https://thediplomat.com/2019/02/australia-needs-a-new-national-security-strategy/>>.

¹⁰¹ Ibid.

interest',¹⁰² and defined national security as 'a broad and evolving concept, which concerns environment, and prevention and preparation for, and the response to, threat to people, assets, infrastructure and institutions'.¹⁰³ Whilst the National Security Strategy acknowledged that 'there is a mutually reinforcing link between our national security and our economic wellbeing',¹⁰⁴ and that our Australian Defence Force assets 'could be used to assist ... to respond to natural disasters';¹⁰⁵ climate change (or the effects of climate change) or **food security were not recognised as pillars reflecting the evolution of Australia's national environment** (emphasis added).¹⁰⁶ Moreover, whilst the National Security Strategy acknowledged the existence of the National Strategy for Disaster Resilience which was developed by the Council of Australian Governments in 2011 for the purposes of implementing a 'national, coordinated and cooperative effort' to 'enhance Australia's capacity to withstand and recover from emergencies and disasters',¹⁰⁷ it was only referred to in the context of building 'disaster resilient communities',¹⁰⁸ and did not allude to climate change or food security as an immediate risk factor for Australia. Rather, climate change was listed as a broader global challenge with the potential for 'longer term national security implications', through 'the increase in frequency and severity of natural disasters, compounded by competition over scarce natural resources', which 'may contribute to instability and tension around the globe',¹⁰⁹ with no causal link to food security identified.

53. In 2016, the Department of Defence, released the 2016 Defence White Paper (the **Paper**), which explained how the Australian Government 'is investing in Australia's defence capabilities to strengthen Australia's security in the more complex strategic environment Australia will face in the years ahead'.¹¹⁰ Whilst climate change is identified in the Paper as being attributable to state fragility, and despite the ADF's recognition of climate change as a national security threat; it is only in the context of states within Australia's immediate neighbourhood (such as the Indo-Pacific Region) which the Department of Defence considers will be impacted by 'uneven economic growth, crime, social, environmental and governance challenges and climate change', and not, according to the Paper, Australia.¹¹¹ Moreover, whilst the Paper denotes that 'climate change will see higher temperatures, increased sea-level rise and will increase the frequency and intensity of extreme weather events', the consequences such as environmental degradation and food shortages are identified as challenges only applicable to countries 'in Australia's immediate region',¹¹² and again, according to the Paper, not Australia. Indeed, in the Paper the only impact in the context of climate change is identified as being that sea level rises and more extreme weather events will put ADF 'facilities at risk of damage'.¹¹³
54. In May 2018, the Senate conducted an inquiry into the implications of climate change on Australia's national security (**2018 Senate Inquiry**), in circumstances where countries such as

¹⁰² Department of Prime Minister and Cabinet, 'Strong and Secure - A Strategy for Australia's National Security', Commonwealth of Australia (Report) 2013, 5.

¹⁰³ Above, n 64, 218.

¹⁰⁴ Above, n 102, 4.

¹⁰⁵ Above, n 102, 5.

¹⁰⁶ Above, n 102, 15.

¹⁰⁷ Council of Australian Governments (COAG), 'National Strategy for Disaster Resilience', Commonwealth of Australia (Strategy Paper) February 2011, v.

¹⁰⁸ Above, n 102, 21.

¹⁰⁹ Above, n 102, 31.

¹¹⁰ Department of Defence, '2016 Defence White Paper', Commonwealth of Australia (Report) 2016, 13.

¹¹¹ Above, n 110, 41.

¹¹² Above, n 110, 56.

¹¹³ Above, n 110, 102.

the United States of America and the United Kingdom have overtaken Australia 'comprehensively in terms of including climate change priorities in national security'.¹¹⁴

55. Significantly, the 2018 Senate Inquiry recognised that climate change is a 'current and existential national security risk' affecting the Australian community and economy.¹¹⁵ The threats to Australia's national security were identified as being:

- (a) extreme weather and physical effects, including recurring and longer fire seasons;¹¹⁶
- (b) the risk of physical and mental illness, infectious diseases, and death due to exposure to the increased intensity, duration, and frequency of extreme weather events,¹¹⁷ as well as aeroallergens and air pollution;¹¹⁸
- (c) **food and water security through the reduction of available water sources and agricultural production**,¹¹⁹ which could lead to social and political unrest;¹²⁰
- (d) direct damage to the economy through climate change litigation, direct damage to assets and the collapse of markets;¹²¹ and
- (e) climate-related displacement which could directly affect Australia's ability to manage and control its border and migration,¹²² and could also lead to conflict.¹²³

(Emphasis added).

56. Also in 2018, the Department of Home Affairs and the National Resilience Taskforce released the National Disaster Risk Reduction Framework (the **NDRRF**) for the purposes of outlining 'a national, comprehensive approach to proactively reducing disaster risk'. The NDRRF is the policy framework for reducing disaster risk,¹²⁴ and the Australian Government's implementation of the first three priorities of the Sendai Framework.¹²⁵

57. The drivers for the development of the NDRRF were identified as being that:

- (a) natural hazards, such as increasing temperatures, severe fire weather and flooding, are more frequent and intense,
- (b) **essential services, such as food, water, energy, telecommunications, and transport networks are all interconnected and interdependent,**

¹¹⁴ Above, n 99, 30.

¹¹⁵ Above, n 99, 9.

¹¹⁶ Above, n 99, 11 - 12.

¹¹⁷ Above, n 99, 13 - 14.

¹¹⁸ Above, n 99, 14.

¹¹⁹ Above, n 99, 14.

¹²⁰ Above, n 99, 17.

¹²¹ Above, n 99, 15.

¹²² Above, n 99, 22.

¹²³ Above, n 99, 25.

¹²⁴ Parliament of Australia, 'Emergency management a disaster resilience: a quick guide', (Webpage) <https://www.aph.gov.au/About_Parliament/Parliamentary_Departments/Parliamentary_Library/pubs/rp/rp1920/Quick_Guides/EmergencyManagementDisasterResilience>.

¹²⁵ Department of Home Affairs, 'National Disaster Risk Reduction Framework' (Framework) 2018, 6.

- (c) growing populations have led to more people and infrastructure being exposed and vulnerable to natural disasters,
- (d) the impacts of natural disasters are now long term and more complex, including reduced education, workforce participation, physical and mental health and **diminishing economic resources**,
- (e) the costs of natural disasters to Australia are approximately \$18 billion each year, and
- (f) the momentum to address the financial climate-related risks is building throughout Australia.¹²⁶

(Emphasis added).

58. The NDRRF, which 'establishes a 2030 vision, goals and priorities for Australia', warns that it is 'not exhaustive nor prescriptive', but that it should be applied holistically across built (physical and social infrastructure), social (networks and essential services), natural (ecosystems and resources) and economic environments (public, private and individual economic activities),¹²⁷ with the understanding that climate change is a key driver in disaster risk.¹²⁸ It is designed to provide decision-makers with guidance in relation to investment and spending, public policy, development and land use, legislation and resource allocation.¹²⁹ Whilst the NDRRF provided 4 priorities for the purposes of taking action in Australia to reduce disaster risk,¹³⁰ and then provided detailed examples of the recommended actions to be taken in accordance with each priority, the NDRFF did not, however, recognise in any way the explicit threats to Australia's national security as identified by the 2018 Senate Inquiry which can be linked to natural disasters, namely:

- (a) that extreme weather and the physical effects of climate change are resulting in longer fire seasons,¹³¹
- (b) the natural disasters increase the risk of physical and mental illness, infectious diseases, and death,¹³² as well as aeroallergens and air pollution,¹³³
- (c) that food and water security is compromised through the reduction of available water sources and agricultural production,¹³⁴ which could lead to social and political unrest,¹³⁵
- (d) that there is direct damage to the economy, through damage to assets and the collapse of markets,¹³⁶ and

¹²⁶ Above, n 125, 5 - 6.

¹²⁷ Above, n 125, 6-7.

¹²⁸ Above, n 125, 7.

¹²⁹ Above, n 125, 21.

¹³⁰ Above, n 125, 8.

¹³¹ Above, n 99, 11 - 12.

¹³² Above, n 99, 13 - 14.

¹³³ Above, n 99, 14.

¹³⁴ Above, n 99, 14.

¹³⁵ Above, n 99, 17.

¹³⁶ Above, n 99, 15.

- (e) that displacement could directly affect Australia's ability to manage migration.¹³⁷
59. The management of emergencies is largely the responsibility of state and territory governments.¹³⁸ State and territory governments are also responsible for legislation and policy regarding education, land use and building codes and approvals. In recent years, it has been identified that states and territories in Australia have developed critical infrastructure resilience strategies, and disaster risk and management information.¹³⁹ Generally, many adaptations to legislation pertaining to building codes or land use are because of inquiries into natural disasters.
60. In respect of national security, however, there is no current national strategy; nor is there any legislation pertaining to the protection of Australia's critical assets or infrastructure considering natural disasters,¹⁴⁰ nor is the role food security plays into national security adequately considered. Rather, Australia's national security is focused on the issues of terrorism, violent extremism, cyber security, data retention,¹⁴¹ and the protection of transport and critical infrastructure from sabotage and coercion – notwithstanding the findings by the Senate in 2018 that compromise of food and water security could lead to social and political unrest.¹⁴²

International approaches to food security

United Kingdom

61. In 2019, the Department of Environment, Food and Rural Affairs (**DEFRA**) commissioned an independent review by Henry Dimbleby (co-founder of restaurant chain Leon and DEFRA non-executive director) into the UK food system for the purposes of designing recommendations so that the UK food system, *'delivers safe, healthy, affordable food; regardless of where [people] live or how much they earn'*, and *'restored and enhances natural environment for the next generation'*. Published in June 2021, the 290-page [National Food Strategy: The Plan](#) provided 14 recommendations sitting within four strategic imperatives:
- (a) Escaping the junk food cycle to protect the National Health Service, as diet-related illness such as diabetes and heart-disease place significant strain on the health system.
 - (b) Reducing diet-related inequality, without implementing blanket taxes on consumers or producers, while ensuring international trade deals did not undermine the domestic agriculture sector.
 - (c) Making the best use of land, including financially supporting farmers to introduce regenerative farming and sustainability practices.
 - (d) Creating a long-term shift in food culture.
62. In response, DEFRA presented a [Government Food Strategy](#) to the UK Parliament in June 2022, which sets out the following objectives:

¹³⁷ Above, n 99, 22.

¹³⁸ Above, n 107, 2.

¹³⁹ Above, n 107, 12.

¹⁴⁰ Unless the *Security of Critical Infrastructure Act 2018* (Cth) is ultimately held to extend to instances of natural disasters.

¹⁴¹ Above, n 96.

¹⁴² Above, n 99, 17.

- (a) to deliver a prosperous agri-food and seafood sector that ensures a secure food supply in an unpredictable world, and contributes to the levelling up agenda through good quality jobs around the country, by:
 - (i) developing new farming schemes through the commitment of £390 million to ag-tech and innovation.
 - (ii) releasing an additional 10,000 Seasonal Worker Visas (including 2,000 for the poultry sector).
 - (iii) working with the Migration Advisory Commission to review occupation shortages in the agricultural sector.
 - (b) to deliver a sustainable, nature positive, affordable food system that provides choice and access to high quality products that support healthier and home-grown diets for all, by:
 - (i) using the Agriculture Act (2020), Fisheries Act (2020) and the Environment Act (2021) to incentivise farmers and food producers to adopt more sustainable practices.
 - (ii) publishing a land use framework in 2023 to ensure the UK meets net zero and biodiversity targets.
 - (iii) boosting school funding to develop a strong food curriculum.
 - (iv) launching a Food Data Transparency Partnership.
 - (c) to deliver trade that provides export opportunities and consumer choice through imports, without compromising regulatory standards for food, whether produced domestically or imported, by:
 - (i) developing new, bespoke, free trade agreements.
 - (ii) setting standards on animal health and production regimes that will inform FTA negotiations.
 - (iii) placing agri-food attaches at its embassies in major trading partner countries.
63. The UK Government Food Strategy was widely condemned by Henry Dimbleby, and Opposition parties as not providing 'a concrete proposal to tackle the major issues' facing the UK in circumstances where it has not delivered on all recommendations set out by Dimbleby in the National Food Strategy. However, whilst individuals may consider that the UK Government Food Strategy is lacking, it – along with the National Food Plan - demonstrates the UK's intention to ensure food security and sustainable production and strengthen its role in the global food system.¹⁴³

¹⁴³ Above, n 27.

Canada

64. In 2017, Canada's Department of Agriculture and Agri-Food engaged in public consultations with people from various perspectives on food issues such as food security and food waste, for the purposes of developing a [Food Policy for Canada](#).
65. Released in 2019, the Food Policy for Canada was developed for the purposes of building a healthier and more sustainable food system, built on a robust agenda to support growth for farmers, producers, and food businesses, in circumstances where (at the time of release) around one million Canadian households were unable to access healthy food, almost two in three adults were overweight, and approximately one third of food produced in Canada was wasted.¹⁴⁴
66. In producing the policy, the Department of Agriculture and Agri-Food recognised that although 'social, health, environmental, and economic components of food systems are interdependent', they are issues 'often addressed in isolation.'¹⁴⁵ As a result, collaborative action was taken across government and society to ensure that policy pertaining to food security mutually recognised the capacity of the food system to support communities and the economy, with six long-term priority outcomes identified:¹⁴⁶
- (a) **Vibrant communities** – improved community capacity and resilience to food-related challenges.
 - (b) **Increased connections within food systems** – increased governance spaces and partnerships that connect multiple sectors and actors from across the food system.
 - (c) **Improved food-related health outcomes** – improved health status of Canadians related to food consumption and reduced burden of diet-related disease, particularly among groups at higher risk of food insecurity.
 - (d) **Strong Indigenous food systems** – to be co-developed in partnership with Indigenous communities and organisations.
 - (e) **Sustainable food practices** – improvement in the state of the Canadian environment through the use of practices along the food value chain that reduce environmental impact and that improve the climate resilience of the Canadian food system.
 - (f) **Inclusive economic growth** – improved access to opportunities in the agriculture and food sector for all Canadians within a diversified, economically viable, and sustainable food system.
67. Whilst the effectiveness of the programs developed in response to the Food Policy for Canada, and its effectiveness, remain cause for debate,¹⁴⁷ it demonstrates Canada's intention to take multipartisan approach to food security and sustainable production.

¹⁴⁴ Agriculture and Agri-Food Canada, 'Food Policy Canada' (Webpage) <<https://agriculture.canada.ca/en/about-our-department/key-departmental-initiatives/food-policy/food-policy-canada>>.

¹⁴⁵ Ibid.

¹⁴⁶ Above, n 144.

¹⁴⁷ Deaton, B. J., & Scholz, A. (2022). Food security, food insecurity, and Canada's national food policy: Meaning, measures, and assessment. *Outlook on Agriculture*, 51(3), 303–312.

New Zealand

68. According to the World Bank, 3.5% of the population suffered food insecurity in New Zealand in 2020,¹⁴⁸ with many calling for domestic food security to be considered ahead of meeting international export demands.¹⁴⁹ Like Australia, New Zealand produces enough food to support its population and exports most of its primary produce.
69. New Zealand does not have a national food security strategy, notwithstanding recent findings that food insecurity is an ongoing public health issue.¹⁵⁰ However, in recognition of the significant role food security plays in the community and healthcare, there are some longstanding local food groups, networks, and councils supported by organisations including Toi Te Ora Public Health, which focus on the development of healthy food systems.¹⁵¹ Significantly, these local networks encourage collaboration across industries, including health, emergency planning, education, natural resources, agriculture, and government, for the overarching benefit of New Zealand's food system.¹⁵²

Conclusion: The importance of a holistic consideration of food security

70. Considering the research provided above, food security is clearly interrelated to all aspects of human rights and the economy. As a result, and in circumstances where:
- (a) the Australian Institute of Family Studies (an Australian Government statutory agency) has recognised that food as a fundamental human right,¹⁵³ and
 - (b) the UN Secretary-General:
 - (i) through the 2022 GRFC encourages the development of frameworks addressing 'the underlying multi-dimensional drivers of food crisis including environmental, political, economic, society and security risk',¹⁵⁴ and
 - (ii) in light of the [UN People's Summit Focussed on Solutions for People, Planet and Prosperity](#) convened in September 2021, recommends that a systems approach (to the development of national frameworks) must involve multiple sectors of government interacting with scientific, traditional, Indigenous, and business disciplines to ensure that the focus on feeding growing populations contributes 'to people's nutrition, health and well-being, restore and protect nature, are climate neutral, adapted to local circumstances, and provide decent jobs and inclusive economies', in circumstances where food is a 'right for people that must be realized, and the economic, social and environmental impact and

¹⁴⁸ The World Bank, 'Prevalence of severe food insecurity in the population (%) – New Zealand' (Webpage) <<https://data.worldbank.org/indicator/SN.ITK.SVFI.ZS?locations=NZ>>.

¹⁴⁹ RNZ, 'Calls to feed the 5 million first before exporting NZ food' (Online Article, 21 July 2021) (Webpage) <<https://www.rnz.co.nz/news/whoseatingnewzealand/447324/calls-to-feed-the-5-million-first-before-exporting-nz-food>>.

¹⁵⁰ Grace C. Macaulay, Jean Simpson, Winsome Parnell & Mavis Duncanson (2022) Food insecurity as experienced by New Zealand women and their children, *Journal of the Royal Society of New Zealand*, DOI: 10.1080/03036758.2022.2088574.

¹⁵¹ See, for example, [Kai Auckland](#) (formerly Rotoroua Local Food Network), which is working towards a local, sustainable food system, food education, reduction in food waste, and food sovereignty.

¹⁵² Toi Te Ora, 'Food Security', (Webpage) <<https://toiteora.govt.nz/public/food-security/>>.

¹⁵³ Above, n 12, 4.

¹⁵⁴ Above, n 2, 9.

externalities must be better assessed and mitigated or leveraged as required',¹⁵⁵

an independent review should be undertaken into the Australian food system and existing national food security frameworks, including the National Food Plan,¹⁵⁶ for the purposes of proposing recommendations for the structure and development of a National Food Security Strategy that:

- (a) uses the UN Sustainable Development Goals as a guide,
- (b) has regard to the fundamental role food, water, and natural resources play in satisfying fundamental human needs,
- (c) strengthens and safeguards Australia's domestic food security, and global export capabilities,
- (d) informs the development of long-term economic strategies, plans, and policies across all Commonwealth ministerial portfolios,¹⁵⁷ and
- (e) mitigates the effect of climate change through interaction with efforts made by complementary sectors' efforts to avoid / minimise the impacts to human rights and national security.

3. Independent Review Process

3.1 Time Period

- 71. The review and recommendation time frame should allow adequate time for the independent reviewer to receive submissions from / consult with government, private enterprise, and the public across all Commonwealth ministerial portfolios, as well as undertake a period of independent research if required.
- 72. It should also allow for adequate time to review all submissions, and for the independent reviewer to come to thorough and considered recommendations in circumstances where food security should be considered in respect of all aspects of the Australian economy.
- 73. As a result, and in keeping with previous inquiries, and the recent approach taken by the United Kingdom and Canada, the following time periods should be considered:

Time Period	Task
1 – 3 months	Setting Terms of Reference, engaging independent reviewer, establishing budget, and support staff/networks for use by the independent reviewer.

¹⁵⁵ Above, n 14.

¹⁵⁶ Published May 2013 in the form of a white paper by the Gillard Government.

¹⁵⁷ Agriculture, Fisheries & Forestry; Attorney-Generals'; Climate Change, Energy, the Environment and Water; Defence; Education; Employment and Workplace Relations; Finance; Foreign Affairs and Trade; Health and Aged Care; Home Affairs; Industry, Science and Resources; Infrastructure, Transport, Regional Development, Communications, and the Arts; Parliamentary Departments; Prime Minister and Cabinet; Social Services; Treasury; Veterans' Affairs.

Up to 12 months	Consultation with and call for submissions from government, private enterprise, and the public across all Commonwealth ministerial portfolios, as well as period for independent research by reviewer.
6 – 12 months	Independent Review drafting and development of recommendations.
No longer than 2 years from the commencement of the review	Recommendations delivered by independent reviewer for the structure and development of a National Food Security Strategy.

3.2 Draft Terms of Reference

74. The independent review into Australia’s food system and existing national food security frameworks, including the National Food Plan,¹⁵⁸ should propose recommendations for the structure and development of a National Food Security Strategy that:

- (a) uses the UN Sustainable Development Goals as a guide,
- (b) has regard to the fundamental role food, water, and natural resources play in satisfying fundamental human needs,
- (c) strengthens and safeguards Australia’s domestic food security, and global export capabilities,
- (d) informs the development of long-term economic strategies, plans, and polices across all Commonwealth ministerial portfolios,¹⁵⁹ and
- (e) mitigates the effect of climate change through interaction with efforts made by complementary sectors’ efforts to avoid / minimise the impacts to human rights and national security,

in circumstances where food security is intrinsically linked to long-term domestic economic sustainability and development.

75. The significance food security has on the long-term economic strategies, plans, and polices across all Commonwealth ministerial portfolios is set out at Annexure A to this submission.

3.3 Qualifications / Capabilities of Independent Reviewer

76. The independent reviewer should:

¹⁵⁸ Published May 2013 in the form of a white paper by the Gillard Government.

¹⁵⁹ Agriculture, Fisheries & Forestry; Attorney-Generals’; Climate Change, Energy, the Environment and Water; Defence; Education; Employment and Workplace Relations; Finance; Foreign Affairs and Trade; Health and Aged Care; Home Affairs; Industry, Science and Resources; Infrastructure, Transport, Regional Development, Communications, and the Arts; Parliamentary Departments; Prime Minister and Cabinet; Social Services; Treasury; Veterans’ Affairs.

- (a) be an external consultant, to provide a safe and multipartisan space for all of government, business, and the public to be engaged and supportive of the review process.
- (b) have experience in law, specifically statutory interpretation (administrative law), and corporate law. A practising lawyer would be preferable, in circumstances where they have a paramount duty to the court and the administration of justice,¹⁶⁰ and fundamental ethical duties including:
 - (i) to act in the best interests of a client in any matter in which the solicitor represents the client,
 - (ii) to be honest and courteous in all dealings in the course of legal practice,
 - (iii) to deliver legal services competently, diligently and as promptly as reasonably practicable,
 - (iv) avoid any compromise to their integrity and professional independence; and
 - (v) comply with the Australian Solicitor Conduct Rules and the law.¹⁶¹
- (c) have experience in agriculture.
- (d) have experience in complementary sectors to agriculture, such as government, energy and resources, healthcare, water, and climate change.
- (e) have experience in corporate governance, international relations, and people management.
- (f) have access to, or be familiar with, appropriate resourcing capabilities for the purposes of facilitating public consultations, researching, and drafting.

¹⁶⁰ Rule 3, Australian Solicitors' Conduct Rules 2012.

¹⁶¹ Rule 4, Australian Solicitors' Conduct Rules 2012.

Annexure A – The significance food security has on the long-term economic strategies, plans, and polices across all Commonwealth ministerial portfolios

The following table provides high-level examples of how food security, and by extension a National Food Security Strategy, intrinsically links to long-term economy strategy, plans, and policies across all Commonwealth ministerial portfolios.¹⁶²

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
Agriculture, Fisheries & Forestry	Primary produce, forestry, research & development corporations, regional investment, biosecurity, chemical, animal welfare, drought, international relations, agricultural finance, land use, soil	In keeping with the research contained in this submission, all stakeholders in the Agriculture, Fisheries & Forestry portfolio have an acute interest in food security. Moreover, the House Standing Committee on Agriculture has undertaken this inquiry into food security in Australia due to a referral from the Minister for Agriculture, Fisheries and Forestry, Senator the Hon Murray Watt, on 26 October 2022. ¹⁶³
Attorney-Generals'	Law, human rights, general intelligence and security, investigations, royal commissions, ombudsman	<p>The Attorney-Generals' Department is responsible for delivering programs and policies to maintain and improve Australia's law and justice framework, as well as working daily to uphold the rule of law in Australia. Through the Australian Government Solicitor (AGS), the Department is also responsible for providing legal services to the Commonwealth, including legal advice and representation.¹⁶⁴</p> <p>The Department is structured into five groups, which alongside AGS, includes Justice and Communities, National Security and Criminal Justice, Integrity and International, and Enabling Services.¹⁶⁵</p>

¹⁶² See also a recent report from the Sydney University which provides an in-depth consideration of the responsibilities of each Federal Government organisations in respect of food policy – Pratibha Naudiyal, Belinda Reeve, Alexandra Jones & Sally McDonald (The University of Sydney), 'Food policy in Australia: The role of different Federal Government Organisations' (Report).

¹⁶³ Parliament of Australia, 'Inquiry into food security in Australia', (Webpage) <https://www.apf.gov.au/Parliamentary_Business/Committees/House/Agriculture/FoodsecurityinAustralia>.

¹⁶⁴ Australian Government – Attorney-General's Department, 'What we do' (Webpage) <<https://www.ag.gov.au/about-us/what-we-do>>.

¹⁶⁵ Australian Government – Attorney-General's Department, 'Who we are' (Webpage) <<https://www.ag.gov.au/about-us/who-we-are>>.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		<p>In circumstances where the Department supports the Australian Government ‘in being accountable for action, making rational decisions and protecting human rights’,¹⁶⁶ this Department has an interest in food security in circumstances where access to adequate food and water is a fundamental human right.</p> <p>Moreover, in 2020 the Australian Institute of Family Studies identified that non-demographic factors associated with food insecurity include violence, removal of children, relationship breakdowns, trouble with police and authorities, racism, intergenerational childhood trauma, and reintegration after incarceration,¹⁶⁷ which acutely impact the law and justice system.</p>
<p>Climate Change, Energy, the Environment and Water</p>	<p>Renewable / clean energy, energy, climate and meteorology, climate change, national parks, reef authorities, water authorities, environment, heritage, marine science, indigenous advisory, carbon and biodiversity, threatened species</p>	<p>The Climate Change, Energy, the Environment and Water Department are responsible for protecting Australia’s natural environment and heritage sites through responding to climate change and carefully managing water and energy resources.¹⁶⁸ In keeping with the research contained in this submission, the Department have an acute interest in food security due to its irrefutable links to climate change, energy, the environment, and water; and the Department’s role in enforcing laws in these areas.</p> <p>This Department is also intricately linked to the Department of Agriculture, Fisheries & Forestry, as well as the Department of Home Affairs (in respect of emergency management) in circumstances where the World Economic Forum have indicated that ‘climate change is already manifesting rapidly in the form of drought, fires, floods, resource scarcity and species loss, among other impacts’,¹⁶⁹ and the UN have identified that ‘food production and local producers are increasingly vulnerable to the adverse impacts of climate change’.¹⁷⁰</p> <p>Moreover, it has been identified by the World Economic Forum that ‘adopting hasty environmental policies will ... have unintended consequences for nature (as) there are still many biotechnical and geoengineering technologies ... which lack of public support for land use transitions or new pricing</p>

¹⁶⁶ Australian Government – Attorney-General’s Department, ‘Rule of law’ (Webpage) <https://www.ag.gov.au/about-us/what-we-do/rule-law>

¹⁶⁷ Above, n 12, 10.

¹⁶⁸ Australian Government – Department of Climate Change, Energy, the Environment and Water, ‘What we do’ (Webpage) <<https://www.dcceew.gov.au/about/what-we-do>>.

¹⁶⁹ World Economic Forum, ‘The Global Risks Report 2022’ (Report) 2022, 8.

¹⁷⁰ Above, n 14.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		<p>schemes will create political complications that further slow action¹⁷¹. Indeed, in circumstances where primary producers manage 51% of Australia’s landscape,¹⁷² the National Farmers’ Federation have reiterated that policies addressing climate change and the environment must be examined to ‘minimise the risk of perverse outcomes and to deliver equitable outcomes for Australian farmers’.¹⁷³</p>
<p>Defence & Veterans’ Affairs</p>	<p>National security, disaster relief</p>	<p>The Department of Defence is responsible for defending Australia against armed attack and is made up of seven key sectors – security, operations, projects, science & technology, audit & legal, education & training, and geospatial intelligence.¹⁷⁴ Relevantly, the operations branch of the Department is often deployed to operations within Australia to protect Australia and its interests, including in response to the coronavirus pandemic,¹⁷⁵ and taskforces are created to respond to natural emergencies such as natural disasters and the provision of emergency food relief.¹⁷⁶</p> <p>Significantly, climate change has been identified by the World Economic Forum as ‘already manifesting rapidly in the form of drought, fires, flood, resource scarcity and species loss, among other impacts’,¹⁷⁷ which have all been disasters seen in Australia in recent years; and all of which have required support from the Department of Defence. In circumstances where the University of Melbourne has identified that Australia should be ‘boosting our capacity to weather shocks’, as:</p> <ul style="list-style-type: none"> • emergency food relief through charitable organisations is not a long-term solution; and • shocks and stresses such as natural disasters and the pandemic will continue to impact the food system;¹⁷⁸

¹⁷¹ Above, n 169, 9.

¹⁷² National Farmers’ Federation, ‘Environment’ (Webpage) <<https://nff.org.au/policies/environment/>>.

¹⁷³ National Farmers’ Federation, ‘Climate Change Policy’ (Webpage) <https://nff.org.au/wp-content/uploads/2020/08/2020.08.06_Policy_NRM_Climate_Change.pdf>.

¹⁷⁴ Australian Government – Defence, ‘Defence Sectors’ (Webpage) <<https://www.defence.gov.au/sectors>>.

¹⁷⁵ Australian Government – Defence, ‘Operations’ (Webpage) <<https://www.defence.gov.au/operations/opcovid19-assist>>.

¹⁷⁶ Australian Government – Defence, ‘Taskforces’ (Webpage) <<https://www.defence.gov.au/about/taskforces>>.

¹⁷⁷ Above, n 169.

¹⁷⁸ Caitlin Fitzsimmons, Australia produces plenty of food, but these threats could still lead to shortages’, Sydney Morning Herald, 26 June 2022.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		this Department has an acute interest in food security.
Education	Curriculum	<p>The Department of Education is responsible for contributing to Australia’s economic prosperity and social wellbeing by creating opportunity and driving better outcomes through access to quality education and learning.¹⁷⁹</p> <p>The Australian Government has invested \$4 billion over 12 years (2018 to 2029) through the Department of Education to national research infrastructure for critical research including ‘the capacity to address critical national issues such as food security and support for a healthy environment’.¹⁸⁰</p> <p>Moreover, in 2020 the Australian Institute of Family Studies relevantly identified that:</p> <ul style="list-style-type: none"> • in accordance with the FAO four dimensions of food security, individuals require ‘physical, social and human resources to transform food into adequate and safe meals, including the knowledge and skills to decide what food to purchase, how to prepare and consume it, and how to allocate it within a household’,¹⁸¹ and • food insecurity ‘can affect children’s school readiness, academic achievement and school attendance’, including their ‘energy to participate in extracurricular physical activity’.¹⁸² <p>As a result, the Department of Education has a clear interest in food security in Australia.</p>

¹⁷⁹ Australian Government – Department of Education, ‘Home’ (Webpage) <<https://www.education.gov.au/>>.

¹⁸⁰ Australian Government – Department of Education, ‘National Research Infrastructure’ (Webpage) <<https://www.education.gov.au/national-research-infrastructure>>.

¹⁸¹ Above, n 12, 5.

¹⁸² Above, n 12, 13.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
Employment and Workplace Relations	Building and construction, mining, safe work, fair work, skills, trades, careers	The Department of Employment and Workplace Relations enables access to quality skills, training and employment to support Australians find secure work in fair, productive and safe workplaces. ¹⁸³ This Department is intrinsically linked to food security, in circumstances where it upholds the laws associated with safe and fair workplaces, as well as supporting temporary migration schemes for the benefit of the agriculture sector.
Finance	Superannuation, future fund management, digital transformation	<p>The Department of Finance supports the Australian Government through the Budget process and fosters leading practice through the public sector resource management, governance and accountability frameworks.¹⁸⁴ The Departments four key functions include budget and financial reporting, business enabling services, commercial and government services, and governance and resource management.¹⁸⁵</p> <p>Significantly, the Department of Finance are responsible for supporting all Australian Government Departments, including the Department of Defence with funding for the provision of food, materials, and equipment used for emergency peacetime disasters; the Department of Health with funding for research, the promotion of food standards regulations and environmental health; and the Department of Home Affairs in respect of activities associated with migration and humanitarian programs,¹⁸⁶ which all have a direct link to food security.</p>
Foreign Affairs and Trade	Agricultural research, trade and investment, secret intelligence, export finance, tourism	The Department of Foreign Affairs and Trade are responsible for promoting and protecting Australia's international interests to support our security and prosperity. ¹⁸⁷ Working with international partners, DFAT tackles global challenges and trade and investment opportunities in order to keep our region stable, which includes matters pertaining to agricultural trade and global food security.

¹⁸³ Australian Government – Department of Employment and Workplace Relations, 'Home' (Webpage) <<https://www.dewr.gov.au/>>.

¹⁸⁴ Australian Government – Department of Finance, 'The Department' (Webpage) <<https://www.finance.gov.au/about-us/department>>.

¹⁸⁵ Ibid.

¹⁸⁶ Australian Government – Department of Finance, 'Description of functions and sub-functions' (Webpage) <<https://www.finance.gov.au/government/financial-reporting-and-accounting-policy/overview-commonwealth-financial-reporting/functional-reporting/description-functions-and-sub-functions>>.

¹⁸⁷ Australian Government – Department of Foreign Affairs and Trade, 'Department of Foreign Affairs and Trade' (Webpage) <<https://www.dfat.gov.au/>>.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		<p>Indeed, in September 2022, Australia participated in the 51st United National Human Rights Council and identified that Australia is 'committed to improving food security and the availability of affordable, fresh and nutritious foods in remote Indigenous communities', and that 'through our strong networks into communities, Australia has been able to quickly identify and respond to food-security challenges during the pandemic'.¹⁸⁸ Moreover, in April 2022, Australia provided \$2.5 million to boost food security in Sri Lanka through the World Food Programme (WFP) and the FAO, and are continuing to work closely with regional partners to support health security and economic resilience in the Indo-Pacific.¹⁸⁹</p>
<p>Health and Aged Care</p>	<p>Health and welfare, preventative health, food standards, health and medical research, mental health</p>	<p>The Department of Health and Aged Care are responsible for the development of policies and programs in respect of health, aged care, and sport to ensure better health for all Australians.¹⁹⁰ The relationship between food security and healthcare is irrefutable, with the Department of Health and Aged Care publishing an article written by Danae Giardina in July 2021 identifying that 'food is one of our basic needs and underpins our physical, mental and social health and wellbeing, even social security'.¹⁹¹</p> <p>Indeed, in 2020 the Australian Institute of Family Studies relevantly identified that:¹⁹²</p> <ul style="list-style-type: none"> • Food insecurity negatively impacts the physical, mental, and social health of adults and children. • Food insecure households are more likely to:

¹⁸⁸ Australian Government – Department of Foreign Affairs and Trade, '51st Session of the Human Rights Council' (Webpage) <<https://www.dfat.gov.au/international-relations/rights-indigenous-peoples-impact-social-and-economic-recovery-plans-covid-19-context-indigenous-peoples-special-focus-food-security-28-september-2022>>.

¹⁸⁹ Minister for Foreign Affairs, 'Supporting Food Security in Sri Lanka' (Media Release, 8 April 2022) <<https://www.foreignminister.gov.au/minister/marise-payne/media-release/supporting-food-security-sri-lanka>>.

¹⁹⁰ Australian Government – Department of Health and Aged Care, 'About us' (Webpage) <<https://www.health.gov.au/about-us>>.

¹⁹¹ Australian Government – Department of Health and Aged Care, 'Food as medicine' (Webpage) <<https://www.health.gov.au/news/food-as-medicine>>.

¹⁹² Above, n 12, 8.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		<ul style="list-style-type: none"> • consume inadequate nutrients and have poorer diets. • forego healthcare and/or medications. • be vulnerable to developing chronic health conditions such as diabetes, heart disease, obesity, hypertension, arthritis, back problems, and poor mental health. <p>Moreover, in respect of children, it was found that those from food insecure households are approximately twice as likely to have asthma, almost three times as likely to have iron-deficiency anaemia, and obesity. Once an adult, these children were more likely to suffer from socio-economic inequalities such as type-2 diabetes, higher rates of heart disease, and some cancers,¹⁹³ which are all preventable, mostly diet-related illness that impact our healthcare system.</p>
<p>Home Affairs</p>	<p>Security intelligence, national emergency management, cyber security, migration and refugee services, modern slavery</p>	<p>The Department of Home Affairs brings together Australia's federal law enforcement, national and transport security, criminal justice, emergency management, multicultural affairs, settlement services and immigration and border-related functions, working together to keep Australia safe.¹⁹⁴</p> <p>As set out in this submission, the 2018 Senate Inquiry recognised that climate change is a 'current and existential national security risk' affecting the Australian community and economy, with threats to Australia's national security identified to include issues pertaining to food and water security, as well as impacts to agricultural production and supply chains, including:</p> <ul style="list-style-type: none"> • extreme weather and physical effects, including recurring and longer fire seasons;¹⁹⁵

¹⁹³ Above, n 12, 12.

¹⁹⁴ Australian Government – Department of Home Affairs, 'Home' (Webpage) <<https://www.homeaffairs.gov.au/>>.

¹⁹⁵ Above, n 99, 11 - 12.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		<ul style="list-style-type: none"> • the risk of physical and mental illness, infectious diseases, and death due to exposure to the increased intensity, duration, and frequency of extreme weather events,¹⁹⁶ as well as aeroallergens and air pollution;¹⁹⁷ • food and water security through the reduction of available water sources and agricultural production,¹⁹⁸ which could lead to social and political unrest;¹⁹⁹ • direct damage to the economy through climate change litigation, direct damage to assets and the collapse of markets;²⁰⁰ and • climate-related displacement which could directly affect Australia's ability to manage and control its border and migration,²⁰¹ and could also lead to conflict.²⁰² <p>In 2020 the Australian Institute of Family Studies relevantly identified that people from culturally and linguistically diverse background, particularly migrants are at high risk of food insecurity due to difficulties associated with finding culturally appropriate food; resettlement limitations including poverty, unemployment, and compromised health; and restricted access to government financial assistance.²⁰³</p> <p>Significantly, the United Nations through the 2022 GRFC indicated that growing insecurity resulting from economic hardship, intensifying impacts of climate change and political instability are already</p>

¹⁹⁶ Above, n 99, 13 - 14.

¹⁹⁷ Above, n 99, 14.

¹⁹⁸ Above, n 99, 14.

¹⁹⁹ Above, n 99, 17.

²⁰⁰ Above, n 99, 15.

²⁰¹ Above, n 99, 22.

²⁰² Above, n 99, 25.

²⁰³ Above, n 12, 11.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		forcing millions to leave their homes in search of a better future abroad by way of involuntary migration. ²⁰⁴
Industry, Science and Resources	Nuclear science and technology, scientific and industrial research, geoscience, intellectual property, offshore petroleum and environmental management, energy markets, CSIRO, artificial intelligence, renewable energy, marine science	The Department of Industry, Science and Resources is responsible for driving economic growth and job creation in Australia, ²⁰⁵ and much like the Department of Agriculture, Fisheries & Forestry its priorities and initiatives have the ability to impact the economic functioning and sustainability of the entire food system. ²⁰⁶
Infrastructure, Transport, Regional Development, Communications, and the Arts	Air services, maritime, postal services, rail services, transport safety, infrastructure, economic business councils, regional development	The Department of Infrastructure, Transport, Regional Development, Communications, and the Arts provide policy advice and deliver programs, projects and services in the infrastructure, transport, communications, and arts sectors, supporting our regions, cities and territories. ²⁰⁷ In 2020 the Australian Institute of Family Studies recognised that in accordance with the FAO four dimensions of food security, individuals require: ²⁰⁸

²⁰⁴ Above, n 2, 9.

²⁰⁵ Australian Government – Department of Industry, Science and Resources, ‘Supporting economic growth and job creation for all Australians’ (Webpage) <<https://www.industry.gov.au/>>.

²⁰⁶ Pratibha Naudiyal, Belinda Reeve, Alexandra Jones & Sally McDonald (The University of Sydney), ‘Food policy in Australia: The role of different Federal Government Organisations’ (Report), 22.

²⁰⁷ Above, n 205.

²⁰⁸ Above, n 12, 5.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
	authorities, communications	<ul style="list-style-type: none"> • A 'reliable supply of appropriate quality food from domestic production or importation including location of food outlets, availability of food within stores, and price, quality and variety of available food'. • 'The capacity to buy and transport food, and the mobility to shop for food'. • 'The use of non-food inputs that are important for wellbeing, such as clean water, hygiene and sanitation, and health care.' <p>Furthermore, it was found that people living in remote areas were at risk of food insecurity, due to additional transport and logistics costs, reliance on take-away food outlets, and limited connections to appropriate food suppliers.²⁰⁹ Indeed, the Department is aware of this issue, in circumstances where a \$13.5 million loan was provided by the Northern Australia Infrastructure Facility to develop a food and storage warehouse in Alice Spring in September 2021,²¹⁰ whilst the Department was able to access a \$5 million grant program through the 2021/2022 Federal Budget targeting the continuous and sustainable supply of food and essential items in remote community stores, which have low resilience to interruption in the supply-chain in order to provide food security to rural and regional centres.²¹¹</p>

²⁰⁹ Above, n 12, 10.

²¹⁰ Australian Government – Department of Industry, Science and Resources, '\$13.5 million to increase food security for remote communities' (Webpage) <<https://www.infrastructure.gov.au/department/media/news/135-million-increase-food-security-remote-communities>>.

²¹¹ Australian Government – Department of Industry, Science and Resources, 'Prime Minister and Cabinet: Supporting Regional Recovery and Growth' (Webpage) <<https://www.infrastructure.gov.au/about-us/corporate-reporting/budgets/budget-2021-22/regional-ministerial-statement-2021-22/prime-minister-and-cabinet-supporting-regional-recovery-and-growth>>.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
Prime Minister and Cabinet	Indigenous land, health, business advisory, and housing authorities, land councils, national intelligence, women's economic equality	<p>The Department of Prime Minister and Cabinet is responsible for providing fresh thinking and sound advice to government in areas that are a priority to the national interest,²¹² which currently include finance, women's affairs, public service, and Indigenous affairs.</p> <p>Significantly, in 2020 the Australian Institute of Family Studies identified that:</p> <ul style="list-style-type: none"> • Aboriginal and Torres Strait Islander people were more vulnerable to food insecurity than the non-Indigenous population, and that factors contributing to their vulnerability included low income, household infrastructure and overcrowding, access to transport, storage, and cooking facilities,²¹³ and • Food insecurity resulting from being a single parent is more commonly experienced by women.²¹⁴ <p>As a result, this Department has an acute interest in food security.</p>
Social Services	Medicare, Centrelink, child support, disability support	<p>The Department of Social Services is responsible for improving the wellbeing of individuals and families in Australia, through welfare reform and services including housing support, disability support and mental health support.²¹⁵</p> <p>Significantly, in 2020 the Australian Institute of Family Studies identified that the populations in Australia at risk of experiencing food insecurity have increased reliance of social services,²¹⁶ and include individuals experiencing material and/or financial hardship, people living in remote areas, Aboriginal and Torres Strait Islander peoples, people from a CALD background, including refugees</p>

²¹² Australian Government – Department of Prime Minister and Cabinet, 'Areas of Focus' (Webpage) <<https://www.pmc.gov.au/areas-of-focus>>.

²¹³ Above, n 12, 11.

²¹⁴ Above, n 12, 11.

²¹⁵ Australian Government – Department of Social Services, 'Our Responsibilities' (Webpage) <<https://www.dss.gov.au/our-responsibilities>>.

²¹⁶ Above, n 12, 10.

Ministerial Portfolio	Types of Agencies / Boards / Structures (summary only)	Example/s of link to food security
		and people seeking asylum, single parent households, older people, homeless people, and children. ²¹⁷
Treasury	ABS, competition and consumer law, prudential regulation, ASIC, ATO, Commonwealth grants, accounting standards, auditing and assurance standards, RBA, charities & not-for-profit, housing and urban research, productivity commission, takeovers, ACCC, consumer fraud, loans, small business, financial regulation, food and grocery codes, large business stewardship, utility regulation	<p>The Treasury provide advice to the Government and implement policies and programs to achieve strong and sustainable economic and fiscal outcomes.²¹⁸ In its 2022-2023 Corporate Plan, The Treasury have identified that Australia’s economy is facing a complex and uncertain environment as a result of the ongoing coronavirus pandemic, China’s aggressive suppression strategy in respect of the coronavirus pandemic, and Russia’s invasion of Ukraine which has caused an increase in fuel, energy and food prices.²¹⁹</p> <p>Even before these challenges, the Australian Institute of Family Studies identified in 2020 that:</p> <ul style="list-style-type: none"> • households with food insecurity employ financial coping strategies such as selling assets, utilising debt managements or financial counselling initiatives, and • limited competition, and limited access to appropriate food suppliers, increases food transport and logistics costs in rural and regional areas.²²⁰ <p>Moreover, the main policy responsibilities of the Treasury in respect of food include relevant food and grocery codes of conduct, consumer protection and competition, and taxation.²²¹</p>

²¹⁷ Above, n 12, 9.

²¹⁸ Australian Government – The Treasury, ‘The Treasury’ (Webpage) <<https://treasury.gov.au/>>.

²¹⁹ Australian Government – The Treasury, ‘Corporate Plan 2022 – 2023’ (Webpage) <<https://corporate-plan.treasury.gov.au/>>.

²²⁰ Above, n 12, 10.

²²¹ Above, n 206, 20.

Annexure B – Submission endorsements

Please see **attached** letters of endorsement from the following individuals / organisations:

1. **Dr Erin O'Donnell**, Senior Research Fellow, Melbourne Law School
2. **Lyndsey Rice**, CEO, Children's Hospital Foundation
3. **National Farmers' Federation Young Farmers' Council**
4. **Queensland Law Society** – Water & Agribusiness Law Committee
5. **Andrew Hay**, Head of Agribusiness & Food, Clayton Utz

7 December 2022



**Melbourne
Law School**

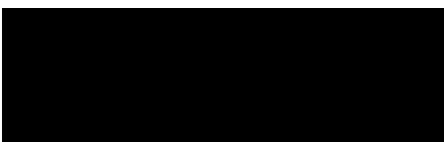
**Letter of support: Submission to the House Standing Committee on
Agriculture inquiry into food security in Australia from Caitlin McConnell**

I am writing to offer my strong support for the proposals outlined in the submission prepared by Caitlin McConnell to address food security in Australia in a holistic manner.

I am a water law and policy specialist with 20 years' experience working in the water sector. I am a Senior Research Fellow at Melbourne Law School, where I work closely with government agencies and Indigenous organisations on water issues, including water security and water governance. I am a member of the Birrarung Council, the voice of the Yarra River, and I am recognised internationally for my work on the ground-breaking new field of legal rights of rivers.

Ms McConnell's submission provides a much-needed shift in food security conversations in Australia. She integrates the interests of the agricultural sector with the essential issues of food inequity that drive food insecurity in Australia. She positions this essential issue as a fundamental human right that is at increasing risk from the global threats of climate change, pandemics, civil unrest and military conflict.

Ms McConnell's submission makes a powerful, evidence-based case for a new approach to food security in Australia, and I strongly urge the Committee to consider her recommendations.



Sincerely,

Dr Erin O'Donnell
Senior Research Fellow
Melbourne Law School



7 December, 2022

Letter of support: Submission to the House Standing Committee on Agriculture inquiry into food security in Australia from Caitlin McConnel

I am writing to offer my support for the proposals outlined in the submission prepared by Caitlin McConnel to address food security in Australia.

I am the Chief Executive Officer of Children's Hospital Foundation, which exists to advance the health and wellbeing of children and young people. In Australia, more than one in five children live in a food insecure household, and 21% of Australian households with children under the age of 15 have experienced food insecurity in the last 12 months. The likelihood that a child will experience food insecurity is even higher amongst some demographics. At Children's Hospital Foundation, we are committed to doing whatever it takes to ensure our children thrive and grow into healthy adults, and that is why I strongly support Ms McConnel's submission.

Ms McConnel makes an importance case for a new approach to food security in Australia, and I urge the Committee to consider her recommendations.

Sincerely,

Lyndsey Rice

Chief Executive Officer

Children's Hospital Foundation



Young Farmers' Council Submission to the Inquiry on Food Security

1. Young Farmers' Council

Established in early 2022, the Young Farmers' Council is an initiative of the [National Farmers Federation](#) (NFF) and co-facilitated by the [Future Farmers Network](#) (FFN) for the purposes of increasing NFF's engagement with young people in agriculture across all commodities nationally. Whilst still in its early stages of development, the Young Farmers' Council provides ten young farmers from NFF voting and non-voting member bodies a seat at the table to contribute to conversations about issues and opportunities facing agriculture, in respect of climate change, infrastructure, research and development, land-use management, and investment.

Current members of the Young Farmers' Council include:

- **Benjamin Vagg** (VIC), nominated by the Victorian Farmers Federation
- **Caitlin McConnel** (QLD), nominated by the Future Farmers Network
- **Chris Moloney** (SA), nominated by Graingrowers
- **Elizabeth Brennan** (WA), nominated by WA Farmers
- **Helen Woodland** (QLD), nominated by AgForce
- **Justin Blair** (QLD), nominated by Canegrowers
- **Kari Moffat** (NT), nominated by Australian Live Exporters' Council
- **Lewis Johnson** (QLD), nominated by Australian Pork Limited
- **Martin Murray** (NSW), nominated by NSW Farmers
- **Jamie Pepper** (VIC), nominated by Sheep Producers Australia

The initiative is demonstrative of the desire of young aggies across commodities to engage and collaborate for the benefit of Australia's agricultural sector as a whole – rather than



competing. Indeed, the NFF and FFN have provided an environment where young aggies can combine resources, intellect, and experiences to ensure that we as the next generation are forming strong relationships across commodities and contributing to conversations that impact our cumulative futures in food and fibre production.

2. Submission

We have had the benefit of reading the draft submission to the inquiry of food security by fellow Young Farmers' Council committee member, Caitlin McConnel, and agree with her recommendation that:

- (a) an independent review should be undertaken into the Australian food system and existing food security frameworks, for the purpose of proposing recommendations for the structure and development of a National Food Security Strategy that should regard to the fundamental role food, water, and natural resources play in satisfying fundamental needs, whilst also strengthening Australia's domestic food security, and global export capabilities; and
- (b) the independent review should:
 - (i) be undertaken by an external consultant to government, the agriculture, or the food and grocery sector, to ensure that recommendations are multipartisan in nature; and
 - (ii) consult with, and seek submissions from, government, private enterprise, and the public across all Commonwealth ministerial portfolios

This is in circumstances where, in our role as young primary producers, we are acutely aware of the intrinsic role food and water security play in respect of long-term domestic economic sustainability and development, including its critical interaction with healthcare, energy and natural resources, Indigenous affairs and land use, climate change and natural disaster mitigation, competition and trade, education, finance, transport, planning and development (amongst others).



3. Ongoing Support / Involvement

The Young Farmers' Council is an initiative of the National Farmers Federation, which is Australia's peak body representing farmers and agriculture across Australia. We are also supported by the Future Farmers Network, which is the only national not-for-profit organisation dedicated to providing educational and personal development opportunities for youth in agriculture, across the commodities.

As a result, as members of the Young Farmers' Council and representatives of youth in agriculture, we would welcome any opportunity to further support the House of Representative Standing Committee on Agriculture, and the Commonwealth Government as it works towards strengthening and safeguarding Australia's food security and its role in reaching our 2030 Roadmap goals.

9 December 2022

Our ref: WD: W&A

Committee Secretary
House of Representatives Standing Committee on Agriculture
PO Box 6021
Parliament House
Canberra ACT 2600

By email: Agriculture.reps@aph.gov.au

Dear Committee Secretary

Inquiry into food security in Australia

Thank you for the opportunity to respond to the Committee's inquiry into food security in Australia.


The Queensland Law Society (**QLS**) and its Water and Agribusiness Law Committee have had the opportunity to consider the draft submission to the inquiry prepared by Ms Caitlin McConnel.

The Committee is comprised of legal practitioner volunteers with substantial expertise in agribusiness law, including supporting regional and rural clients. Ms McConnel is a member of our committee.

QLS commends Ms McConnel's submission to the Committee for consideration of the issues and the recommendations outlined in the submission.

If you have any queries regarding the contents of this letter, please do not hesitate to contact our Legal Policy team via legalpolicy@qls.com.au or by phone on (07) 3842 5999.

Yours faithfully



Kara Thomson
President

Committee Secretary
House of Representatives Standing
Committee on Agriculture
PO Box 6021
Parliament House
Canberra ACT 2600

9 December 2022

Dear Committee Secretary

Inquiry into food security in Australia

1. I am a Partner in the Corporate, M&A and Capital Markets team of national law firm, Clayton Utz, and the National Head of the Agribusiness & Food Industry Group at Clayton Utz.
2. Clayton Utz have had national and deep connections to, and involvement in, the Australian agriculture sector for decades, acting for government and private enterprise on a vast range of administrative and legal matters, including commercial transactions and proceedings. Further, since 2019, the Clayton Utz Agribusiness & Food Industry Group have authored the Australian chapter of the international publication "Agricultural Law Overview" for Thomson Reuters Practical Law.
3. Ms Caitlin McConnel is a Senior Associate and member of the Agribusiness & Food Industry Group at Clayton Utz. She is also a member of the Queensland Law Society Water and Agribusiness Law Committee.
4. I have had the opportunity to read and consider Ms McConnel's submission to the House of Representatives Standing Committee on Agriculture (**the Committee**) in response to the Committee's Inquiry into food security in Australia.
5. I provide this letter of support for Ms McConnel's submission and encourage the Committee to consider her recommendations.

Yours sincerely



Andrew Hay, Partner

