

To whom it may concern

Re: Residential Tenancies Act: right to grow food

The Commissioner for Sustainability and the Environment is an independent statutory position established by the *Commissioner for Sustainability and the Environment Act 1993*. My Office embraces transformative change for an environmentally sustainable future and encourages sound environmental practices and procedures to be adopted by the Territory and territory authorities as a basis for ecologically sustainable development.

As such, this submission focuses on the potential amendment of the *Residential Tenancies Act 1997* (the Act) relevant to environmental outcomes, namely to introduce more rights for tenants to grow food and to compost.



Community Gardens like this one at Holder Community Gardens are a great example of shared gardening spaces that contribute to increased biodiversity, food security, and wellbeing. *Credit: Neil Williams, Holder Community Gardens.*

Do you think the law should be amended to introduce more rights for tenants to grow food and to compost?

I strongly support the proposed amendment. Removing barriers for renters to grow food provides several positive outcomes regarding environmental sustainability and biodiversity.

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My upcoming report investigating Canberra's scope 3 greenhouse gas emissions highlights that food waste is a significant contributor to ACT's direct emissions that must be addressed. When food waste goes to landfill it emits greenhouse gas emissions as it decomposes, whereas composting decomposes organic waste using oxygen-dependent bacteria, which does not produce methane. Canberra's food waste per household is estimated at 2.97 kilograms per week, higher than the national average of 2.89 kilograms per week. Over 65,000 tonnes of organic waste go to landfill in Canberra each year, 37% of this is food waste, and over 70% of food waste comes from households. Amending the Act to allow renters to compost will facilitate the reduction of emissions and divert food waste from landfill at household level.

Much of the fresh food available for purchase in Canberra is not grown in the region. This means there are further embedded emissions in the food that we find in the supermarket, from production, processing, packing and transportation. Enabling renters to replace some of these products with food grown at home would lower the overall emissions of their diets. The proposed amendment has the potential to facilitate further ecologically sustainable outcomes for the ACT. For example, enabling renters to grow their own food may increase urban biodiversity in the region and support backyard pollinators such as bees and birds. Composting and working compost into soils can be beneficial for soil health and, in turn, the plants and animal species that rely on those soils for their survival.

What do you think about the obligation to 'make good' on any modifications (that is, the obligation to return the property in substantially the same condition as it was originally) in the context of gardening? Do you think there should be a modified obligation in acknowledgement that gardens are living and impacted by seasonal and climatic conditions?

I recommend that tenants should not be obligated to make good on modifications in the context of gardening or composting. Modifications add environmental value to the property and provided they are maintained, should not be viewed as detracting from the property. For example, maintained compost bins, worm farms, or raised garden beds.

Modifications can serve to encourage future tenants to participate in more ecologically sustainable practices. When vegetable garden and composting infrastructure is present at a rental property, it encourages future tenants to grow food and compost food waste.

Are there any other issues you would like to raise for consideration in relation to the right to grow food and to compost?

In terms of the right to grow food, governments have a duty to create enabling environments for people to procure or produce their own food under the universal human right to food. [Canberra's rent is the highest in the country¹](https://www.domain.com.au/research/rental-report/june-2021/#canberra), and as the economic impacts of the COVID-19 pandemic increase, so too does the rate of food insecurity in Canberra. Research shows that those seeking food relief has increased in NSW and ACT from 16% in 2019, to 38% in 2020. We need to create enabling environments for access to fresh food and removing barriers to renters can be a step towards mitigating food insecurity for ACT's residents.

Furthermore, consideration of renters in apartments or units without access to garden space should be explored. It would be useful to encourage Body Corporate entities to facilitate tenants of their buildings to participate in composting and growing food, such as providing shared garden spaces.

¹ [Canberra's rent is the highest in the country- https://www.domain.com.au/research/rental-report/june-2021/#canberra](https://www.domain.com.au/research/rental-report/june-2021/#canberra)

These have the potential to positively contribute to transitioning to more ecologically sustainable lifestyles, reducing food insecurity. Research has shown that gardening activities increase psychosocial and physical health and create a deeper connection between people and their environment.

There is an opportunity to consider encouraging Body Corporate entities to create enabling environments for tenants of units and apartments to grow their own food and compost by creating shared resident garden spaces.

Thank you for your consideration of these important sustainability considerations. Please don't hesitate to contact me if you have any queries.

Yours sincerely

A handwritten signature in black ink, appearing to read 'S Lewis', with a long horizontal flourish extending to the right.

Dr Sophie Lewis
Commissioner for Sustainability
and the Environment

30 August 2021