

AGRICULTURAL PRACTICES (DISPUTES) REPEAL BILL 2011

Receipt and First Reading

Bill received from the Council; and, on motion by **Mr D.T. Redman (Minister for Agriculture and Food)**, read a first time.

Explanatory memorandum presented by the minister.

Second Reading

MR D.T. REDMAN (Blackwood–Stirling — Minister for Agriculture and Food) [3.00 pm] — by leave: I move —

That the bill be now read a second time.

This bill will repeal the Agricultural Practices (Disputes) Act 1995, which has been earmarked for repeal since this was recommended by a review of the act in 2002. Quite simply, the act is to be repealed because its continuance cannot be justified when it was only ever used very rarely and is now essentially unused.

The act provides for the appointment of an Agricultural Practices (Disputes) Board to determine disputes between neighbouring landholders in relation to odour, noise, dust, smoke, fumes, fugitive light or spray drift. It was thought when the act was introduced that there would be a significant number of disputes about agricultural practices as a result of the encroachment of urban land use into rural areas. In fact there was only ever a very small and decreasing use of the act. The provision for mediation was used only rarely, with three being the maximum in any one year and none at all being conducted in some years, including the last three financial years. The board was not ever called upon to determine a dispute.

No members have been appointed to the board for some years and in 2008, acting under section 55(2) of the Financial Management Act 2006, the Treasurer appointed the Director General of the Department of Agriculture and Food as the accountable authority for the board until the act is repealed.

The act will be repealed by clause 2 of the bill. Because no board is currently appointed, no staff and no funds in the account provided for in the act, there is no need for any transitional provisions. The bill will make consequential amendments to three acts to remove reference to the board from schedules to the Constitution Acts Amendment Act 1899 and the Financial Management Act 2006, and to amend the Environmental Protection Act 1986, which refers to the Agricultural Practices (Disputes) Act in section 74B(2).

The years since the Agricultural Practices (Disputes) Act was introduced have shown that there is no need for this act. Potential conflicts resulting from competing land uses are best addressed through effective land use planning. Redundant and obsolete acts should not be left on the statute books; the act should therefore be repealed. I commend the bill to the house.

Debate adjourned, on motion by **Mr D.A. Templeman**.