

DRAFT SECOND READING SPEECH**HON GUY BARNETT MP****Neighbourhood Disputes About Plants Amendment Bill 2026****check Hansard for delivery**

Honourable Speaker, I move that the Bill now be read a second time.

The *Neighbourhood Disputes About Plants Act 2017* (the Act) outlines the responsibilities of landowners in relation to plants on their land. The aim of the Act is to establish a cost effective, efficient and accessible statutory scheme for resolving disputes between landowners. Accordingly, the Act provides for the Tasmanian Civil and Administrative Tribunal (TASCAT) to hear and determine disputes and to make binding orders.

An independent review of the Act, as required by section 39 of that Act, was conducted in 2023-24. Following a public consultation process the reviewers, Andrew Walker and Jessie Sawyer, produced a Final Report which I tabled in Parliament in October 2024.

The Final Report of the Review found that the general provisions of the Act were working well and made 9 recommendations. Two of those recommendations are addressed in this Bill.

Recommendation 2 of the Final Report relates to encouraging parties to make reasonable attempts to resolve disputes. The Act currently provides for an informal dispute resolution process between neighbours that may be used before an application is made to TASCAT. Under this Bill, section 23 of the Act will be amended to require an application to TASCAT to specify whether any informal dispute resolution actions under Part 3 have been taken prior to that application and, if not, require the applicant to provide details of why no action was taken. The aim of this amendment is to encourage parties to try informal dispute resolution processes before progressing a dispute to TASCAT.

Recommendation 5 was that section 21, which deals with seeking fair and reasonable costs from a landholder for branch removal, be amended. Currently section 21 requires a landholder to apply to the Magistrates Court to determine what is fair reasonable. Based on the recommendation of the independent Review, the new provisions provide that the landowner is liable for the actual expenses incurred in removing the branch or the prescribed amount, whichever is the lesser. I note that the currently prescribed amount is \$500.

This amendment is intended to provide a simpler, faster and less expensive mechanism for recovering these costs which is consistent with the original aims of the Act.

Another recommendation of the Final Report will be progressed through amendment to the relevant regulations. Recommendation 3 was to remove the requirement to publish notice of an application in a newspaper. Currently an application to TASCAT under the Act is heard in TASCAT's Resource and Planning stream. Under regulation 8 of the TASCAT Regulations 2021 an application in this stream must be published in a newspaper. Given that disputes under the Act are limited to being between specific property owners or occupiers, and that section 24 of the Act already provides notice of applications to be given to relevant government bodies and other affected persons, the independent Review found that the requirement to also publish a notice in a newspaper unnecessary. A simple amendment to Regulation 8 of the TASCAT Regulations, providing that it does not apply to applications under the Act, will give effect to this recommendation.

In relation to the remaining recommendations from the Review, recommendations 4,8 and 9 deal with more complex legal matters that have operational implications for the Land Titles Office, the Recorder of Titles and the LIST system, which are the responsibility of the Department of Natural Resources and Environment (NRE Tas). Further consideration by NRE Tas and the Department of Justice will inform the Government's response to those recommendations.

The remaining three recommendations require no action. The issues raised in recommendation 1 are already covered by existing provisions of the *Tasmanian Civil and Administrative Tribunal Act 2020*, while recommendation 7 appears to be based on a misreading of section 36 of the Act. Recommendation 6 is simply an alternate proposal to recommendation 5 which, as I outlined earlier, is being implemented in this Bill.

Honourable Speaker, I commend the Bill to the House.