

CLAUSE NOTES

Primary Industry Activities Protection Amendment Bill 2016

- Clause 1 **Short Title**
- Clause 2 **Commencement**
This Act will commence on the day it receives Royal Assent.
- Clause 3 **Principal Act**
This Bill amends the *Primary Industry Activities Protection Act* (No. 102 of 1995)
- Clause 4 **Section 3 amended (Interpretation)**
This clause amends some of the key phrases and terms used in the legislation, adds some addition terms, and removes some redundant definitions in order to increase the clarity of the Principal Act.
- An amended definition for *primary industry* adds a new eligible activity of 'planting trees, establishing forests or growing or harvesting timber', to implement the Government's decision to specifically extend the protections of the Principal Act to farm forestry.
- New definitions are provided for:
- *farm*, which will mean an area of land primarily used for primary industry as a business, but not (in relation to forestry activity) land owned by the Crown or the Forestry corporation.
 - *Forestry corporation*, which is defined by reference to the *Forest Management Act 2013*
 - *timber*, which is defined by reference to the *Forest Practices Act 1985*.
- The clause also deletes definitions that will henceforth not be included in the main functional clauses of the Principal Act.
- Clause 5 **Section 4 substituted**
Section 4 is the main functional clause of the Act, setting out the conditions under which primary industry activity cannot constitute a nuisance in certain circumstances. The new Section 4 states that the activity does not constitute a nuisance, IF the contended activity:
- occurs on a farm (as defined by the new Section 3);
 - occurs on the land that has either been zoned for primary

industry (or authorised for primary industry use despite its zoning) for a continuous period of at least one year before the activity in question was carried out;

- would not have constituted a nuisance when the zoning of the land for primary industry commenced; and
- is not being improperly or negligently carried out.

Clause 6

Repeal of Act

The Act will be repealed one year from commencement. This is a standard inclusion in amendment bills.