

CLAUSE NOTES

Neighbourhood Disputes About Plants Amendment Bill 2026

Clause 1 Short Title

This clause specifies that the short title of the Act is the *Neighbourhood Disputes About Plants Amendment Act 2026*.

Clause 2 Commencement

The Bill commences on Royal Assent.

Clause 3 Principal Act

References to the Principal Act in this Bill are references to the *Neighbourhood Disputes about Plants Act 2017*.

Clause 4 Section 21 amended (Action that may be taken if branch removal notice not complied with)

Part 3 of the Principal Act outlines some informal dispute resolution processes that parties in a dispute may try, including the landholder of affected land issuing a branch removal notice to the owner of the other land. If the owner of that land does not comply with the notice, the affected landholder may remove the overhanging branches.

Section 21 of the Principal Act provides that the owner of the land to whom a branch removal notice given is liable for the reasonable expenses incurred by the affected landholder for branch removal, up to the maximum amount prescribed in regulations. It sets out a process for the owner to apply to a magistrate to determine whether the amount is fair and reasonable.

This clause removes subsections (3) to (7) of section 21 and substitutes a new subsection providing that the owner of the land is liable for branch removal expenses based on the actual expenses incurred or the prescribed maximum amount, whichever is the lesser amount.

Clause 5 Section 23 amended (Application to Appeal Tribunal)

The informal dispute resolution processes outlined in Part 3 of the Principal Act may occur before an application is made to the Tasmanian Civil and Administrative Tribunal (TASCAT) for an order.

This clause requires that applications made to TASCAT must include details of any actions already taken by the applicant to make use of the

informal dispute resolution processes in Part 3. This clause further requires that where no informal dispute resolution actions have been taken by the applicant, they must provide an explanation as to why this has not occurred.

The purpose of this clause is to encourage parties to a dispute to try informal dispute resolution processes before progressing a dispute to TASCAT for a formal order.

Clause 10 Repeal of the Act

The amendments in this Act will be incorporated into the Principal Act on commencement.

This clause outlines that the amendment Act will then be repealed a year after the day of commencement.