

CLAUSE NOTES

Neighbourhood Disputes about Plants Amendment Bill 2019

Clause 1: Short title

Cites the Act as the *Neighbourhood Disputes About Plants Amendment Act 2019*.

Clause 2: Commencement

Provides for the Bill to commence on Royal Assent.

Clause 3: Principal Act

Cites the *Neighbourhood Disputes About Plants Act 2017* as the Principal Act.

Clause 4: Section 13 amended – Right to enter land

Provides that the requirement to give at least 7 days' notice of the intention to enter land, does not apply to an interim order made by the Tribunal or to a branch removal notice given to the affected landholder by the owner of the land on which the offending plant is situated.

Clause 5: Section 26 amended – Attempts to resolve dispute to be made before hearing of application

Provides that the Tribunal may take into account any other matter that the Tribunal considers relevant, when it is determining whether parties have made reasonable attempts to resolve disputes.

Clause 6: Section 33A inserted – Completion Order

Inserts a new section 33A to allow the Tribunal to make an order, if it is satisfied that the original order has not been complied with in the time specified in the order.

The order may allow the affected landholder, or their employee, agent or contractor to carry out the work, and for the affected landholder to recover as a debt from the defaulting party, the reasonable expenses incurred in carrying out the work and the costs of the application.

Provides for the affected landholder to make the relevant application, and for the Tribunal chairperson to waive, reduce or refund all or part of the application fee, if the chairperson is satisfied that paying it may cause financial hardship to that person.

Requires the application to be accompanied by a copy of the original order and the prescribed fee, if any. At least 14 days must pass from the time that the work was required to have been completed, before an application may be made by the affected landholder.

Clause 7: Section 34 amended - Effect of orders

Introduces an offence for failing to comply with an order of the Tribunal, and for a fine not exceeding 100 penalty units.

Clause 8: Repeal of Act

Provides for the repeal of the Bill a year after it commences