

## **Protection of Agricultural Production (Right to Farm) Bill 2005**

This explanatory note relates to this Bill as introduced into Parliament.

### Overview of Bill

The object of this Bill is to provide for rural land use notices to be given to purchasers of land adjoining or adjacent to rural land and for those notices to be taken into account in any subsequent proceedings by such purchasers to limit or prohibit the use of that rural land for rural purposes.

### Outline of provisions

#### **Part 1 Preliminary**

**Clause 1** sets out the name (also called the short title) of the proposed Act.

**Clause 2** provides for the commencement of the proposed Act on the date of assent.

**Clause 3** defines certain words and expressions used in the proposed Act.

#### **Part 2 Rural land use notices**

**Clause 4** requires a vendor under a contract for the sale of land that adjoins or is adjacent to rural land to attach a rural land use notice to the contract before it is signed by or on behalf of the purchaser. If such a notice is attached, the purchaser is taken to have been given the notice.

**Clause 5** requires Councils to issue rural land use notices and sets out the matters that must be contained in the notices. Councils must also keep registers of rural land use notices provided by them and make the registers available for public inspection. The proposed section also enables Councils to charge a reasonable fee for the notices or inspection of the register of notices.

**Clause 6** requires the fact that a notice was given to an owner of land that adjoins or is adjacent to rural land to be taken into account by a court or other body determining proceedings brought by the owner to limit, prohibit or otherwise impede the use of the adjoining or adjacent rural land for agricultural or agricultural management purposes.

#### **Part 3 Miscellaneous**

**Clause 7** provides that the proposed Act binds the Crown.

**Clause 8** provides for offences under the proposed Act to be dealt with summarily by a Local Court.

**Clause 9** contains a general power to make regulations.