

**INQUIRY INTO PROVISIONS OF THE RIGHT TO FARM
BILL 2019**

Name: Name suppressed
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Partially
Confidential

The below section of the draft Bill appears to dictate to the Court an outcome. ALL options including ordering a complete stop should be open to a Court without Legislative hindrance. To do so is not acceptable here. Courts to not order cessation of agricultural activity if other order available 29 (1) This section applies if in proceedings a court finds that a commercial agricultural 30 activity carried out by a party to the proceedings constitutes a nuisance. 31 (2) The court must not order the complete cessation of the commercial agricultural 32 activity if the court is satisfied that it could make an order that would permit the 33 continuation of the activity in a manner— 34 (a) that is managed, modified or reduced, and 35 (b) consistent with an efficient and commercially viable agricultural operation, 36 and 37 (c) unlikely to significantly disturb the other party to the proceedings. 38 (3) Subsection (2) does not limit or otherwise prejudice the power of a court to make any 39 other order it thinks fit in respect of the nuisance, including an order as to damages 40 or costs. 41