

Tasmanian Agricultural Productivity Group Ltd

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The Project Team
Review of the Primary Industry Activities Protection Act 1995
Department of Primary Industries, Parks, Water and Environment
GPO Box 44
Hobart Tas. 7001

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Subject: Response to Issues Paper

Introduction

The Tasmanian Agricultural Productivity Group Limited was formed in 1989. It represents broad acre and intensive agriculture, fresh and processed food producers, and associated service industries. The Group is focused on representing whole of supply chain issues relating to food, fibre and allied crops to all levels of government.

TAPG is in a unique position as it has membership that represents the full range of primary, secondary and related activities in agriculture and forestry industries. This vertical integration of membership allows for issues facing industry to be addressed by the Board with access to expertise from the continuum of growing, processing, marketing and service providers. The organization is entirely funded from member contributions.

TAPG appreciates the opportunity to continue its engagement with issues related to this matter. We regard this as a timely review of an area where sensible pro-active regulation can forestall litigious animosity between neighbours, while also appropriately valuing agricultural productivity as an underpinning plank of the Tasmanian economy.

Consistent with our verbal responses during the briefing discussions, TAPG has utilised the expertise of its Board by asking for their responses to the main response points that we wish to make. This Board collectively represents leadership, expertise and experience across the entire spectrum of industry activity across the supply chain including:

- A representative from Plantation Forestry
- A representative from the Poppy Growers Association
- A representative from a specialised Crop Protection Company
- A representative from a specialised Agricultural Advisory Company
- Two representatives from large Vegetable Processing Companies
- Two representatives from the fresh vegetable sector
- A representative from the Dairy Processing sector
- Two representatives from the primary production sector
- An experienced Researcher and Collator

Response to Issues Paper

Terms of Reference

1. *“The effectiveness of the Act in meeting the objective to protect persons engaged in primary industry by limiting the operation of the common law of nuisance in respect of certain activities that are incidental to efficient and commercially viable primary production.”*
 - While it is beyond our resources to quantify previous reliance on the Act it is reasonable to assume that there have been instances where potential litigious claims have been circumvented when awareness of the Act and its implications have become clear to the appellant? This “pro-active” feature of the legislation should not be underestimated.
 - In the same vein we understand that the Legislation is unique to Tasmania and, as such, strengthens our position as a leading State in providing an appropriate administrative framework for agriculture.
 - We strongly support the Act as it has the capacity to protect primary production from vexatious and ill- considered complaints. Our understanding is that this legislation does not override “environmental” legislation and that we view this as a sound environmental safeguard. Accordingly, we believe that the Act represents an appropriate level of protection and support its continuation in the strongest possible terms.

2. *“Whether changes are required to the Act to strengthen the legal position of farmers.”*
 - Our research is silent on instances where the Act has failed in its protective role. However, we believe that implementation of the Act would be strengthened through the development of a local government “Rurality Disclosure” document. This would simply provide advice to an intending purchaser detailing the nature of rural activities likely to be encountered in the general vicinity together with a description of attendant issues likely to cause “nuisance”. This could be undertaken at the local council level or at the stage of land title transfer to ensure state wide consistency?

3. *“Any other relevant matters.”*
 - Consistent with our earlier policy representations (31 August 2008) Plantation Forestry needs to be explicitly included in the Legislation’s definition of “Agriculture”.
 - We recommend the further refinement and widespread use of “Good Neighbour Charter” developed by the forest industry that provide fair guidelines for both parties.
 - The presentation and content of the Issues Paper is strongly applauded. It is logically set out and the section detailing activities in other jurisdictions was particularly useful.

Conclusion

Our response strongly supports retention of the existing legislation and suggests some possible refinements at the implementation level. The capacity of environmental legislation to override the Act is seen as an adequate safeguard that should be acceptable to fair-minded people.

Yours sincerely



Jim Wilson
Chairman
Tasmanian Agricultural Productivity Group