

# **House of Assembly—No 161**

As received from the Legislative Council and read a first time, 19 November 2009

South Australia

## **Environment Protection (Right to Farm) Amendment Bill 2009**

A BILL FOR

An Act to amend the *Environment Protection Act 1993*; and to make a consequential amendment to the *Land and Business (Sale and Conveyancing) Act 1994*.

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## The Parliament of South Australia enacts as follows:

### Part 1—Preliminary

#### 1—Short title

This Act may be cited as the *Environment Protection (Right to Farm) Amendment Act 2009*.

#### 5 2—Commencement

This Act will come into operation 2 months after the date of assent.

#### 3—Amendment provisions

In this Act, a provision under a heading referring to the amendment of a specified Act amends the Act so specified.

### 10 Part 2—Amendment of *Environment Protection Act 1993*

#### 4—Insertion of section 124A

After section 124 insert:

##### 124A—Defence for farming activities

- 15 (1) It will be a defence in any criminal proceedings, or in any proceedings for the payment of an amount as a civil penalty, in respect of an alleged contravention of this Act if it is proved that the alleged contravention resulted from a protected farming activity.

(2) In this section—

*protected farming activity* means a farming activity that conforms with—

- (a) if the regulations prescribe a code of practice for that farming activity—the prescribed code of practice; or
- (b) in any other case—generally accepted standards and practices for that particular farming activity.

### **5—Amendment of section 130—Reports in respect of alleged contraventions**

Section 130—after its present contents (now to be designated as subsection (1)) insert:

(2) However, if the Authority or an administering agency is satisfied that an allegation relates to a protected farming activity, the Authority or agency should advise the person making the allegation of that opinion and decline to take any further action in relation to the allegation.

(3) In this section—

*protected farming activity* has the same meaning as in section 124A.

## **Schedule 1—Related amendment to *Land and Business (Sale and Conveyancing) Act 1994***

### **1—Amendment of section 7—Particulars to be supplied to purchaser of land before settlement**

Section 7(5)—after the definition of *acquired a relevant interest in the land* insert:

*prescribed matters* means—

- (a) any protected farming activities (within the meaning of section 124A of the *Environment Protection Act 1993*), whether on the land or elsewhere, that may affect the use or enjoyment of the land; and
- (b) any other matters prescribed by regulation.