

AGRICULTURE

AG301

AGRICULTURAL PRACTICES (DISPUTES) ACT 1995
AGRICULTURAL PRACTICES (DISPUTES) REGULATIONS 1996

Made by His Excellency the Governor in Executive Council.

Citation

1. These regulations may be cited as the *Agricultural Practices (Disputes) Regulations 1996*.

Commencement

2. These regulations come into operation on the day on which the *Agricultural Practices (Disputes) Act 1995* comes into operation.

Referring disputes to the Board

3. (1) For the purposes of clause 6 (1) (b) of Schedule 1 to the Act, the fee to be paid on lodgement of a notice of referral is \$100.

(2) The Registrar may, on the direction of the Chairperson, request the party who lodged a notice of referral to provide further particulars of the dispute the subject of the notice.

(3) If the Registrar makes a request under subregulation (2), the party who lodged the notice of referral must provide written particulars in accordance with the request.

(4) Without limiting the particulars that may be requested by the Registrar under subregulation (2), the Registrar may request particulars of all or any of the following —

- (a) the nature of the agricultural operation concerned;
- (b) the agricultural practice which is in dispute;
- (c) the nature of the odour, noise, dust, smoke, fumes, fugitive light, spray drift or other prescribed nuisance that is alleged to emanate from the agricultural operation;
- (d) the impact the odour, noise, dust, smoke, fumes, fugitive light, spray drift or other prescribed nuisance is alleged to have on the party affected; and
- (e) the attempts that have been made to resolve the dispute;
- (f) any time frames (both past and future) which are relevant to the dispute and its resolution;
- (g) details of the background to the dispute; and
- (h) the steps that the party who lodged the notice of referral considers could be taken to resolve the dispute or to reduce the problem that is the subject of the dispute.

Witness allowances

4. (1) Where a witness appears in person in proceedings before the Board or a tribunal, the presiding member may make a determination that the witness be paid allowances in accordance with the *Local Court Rules 1961*, Order 37 rules 38 to 44, as if the Board or tribunal proceedings were a matter to which those rules apply.

(2) For the purpose of enforcement, section 13 (3) and (4) of the Act and clause 14 of Scedule 1 to the Act apply to a determination made under subregulation (1) as if it were a determination requiring the payment of costs.

Charges for transcripts of evidence

5. (1) The Board may from time to time determine the amount to be charged for the provision of copies of transcripts of evidence of proceedings before the Board or a tribunal.

(2) The amount determined by the Board under subregulation (1) must not exceed the cost to the Board of providing copies of transcripts of evidence.

Keeping of records

6. Where the Registrar is required by the Act or these regulations to keep or record information, that information may be kept or recorded by means of a mechanical, electronic or other device, but the information must remain in the form in which it was originally kept or recorded and be capable of being reproduced at any time in written form.

Forms

7. (1) A certificate under section 8 (6) of the Act is to be in the form of Form 1 of Schedule 1.

(2) A notice under section 8 (8) (a) of the Act is to be in the form of Form 2 of Schedule 1.

SCHEDULE 1 — FORMS

FORM 1

[regulation 7(1)]

Agricultural Practices (Disputes) Act 1995		Dispute No.:
CERTIFICATE OF DISPUTE		
Parties	Referring party:	
	Other party/parties:	
Date referred to Board		
Particulars of dispute		

Form 1, page 2

Nature and current status of dispute	Referred to mediation No / Yes →	Date of referral:
		Status: (tick appropriate box) <input type="checkbox"/> Mediation to commence on: <input type="checkbox"/> Being mediated <input type="checkbox"/> Mediation completed on: <input type="checkbox"/> successful <input type="checkbox"/> unsuccessful
	Referred to: (tick appropriate box) <input checked="" type="checkbox"/> tribunal <input type="checkbox"/> Board No / Yes →	Date of referral:
		Status: (tick appropriate box) <input type="checkbox"/> Hearing to commence on <input checked="" type="checkbox"/> Being heard <input type="checkbox"/> Hearing completed on:

Determinations made by Board or tribunal	
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Registrar	Name:	Date:
	Signature:	

FORM 2

[regulation 7(2)]

Agricultural Practices (Disputes) Act 1995

**NOTICE OF FILING OF
CERTIFICATE OF DISPUTE**

Dispute No.:

Person who filed Certificate	Name:
	(Tick appropriate box) <input type="checkbox"/> Referring party <input type="checkbox"/> Other party
Forum in which Certificate filed	Name of Court or Tribunal:
	Place:
	Action or matter number:
Date of filing	
Signature	Date:

By His Excellency's Command,

J. PRITCHARD, Clerk of the Council.
