

Our ref:FS/TL

28 June 2019

Ms Brooke Craven
Director
Department of Justice
Strategic Legislation and Policy
GPO Box 825
HOBART TAS 7001

By email only to: [REDACTED]

Dear Brooke

Neighbourhood Disputes about Plants Amendment Bill 2019

Thank you for your invitation to the Society to provide submissions in association with the above Bill.

The Society's Property & Commercial Law Committee has now considered the Bill and has advised that it does not intend to make any submissions regarding the draft provisions themselves.


However it does see this as an opportune time to address an issue recently raised with the Attorney-General regarding subsection [37\(4\)](#) of the Act. I attach a copy of my correspondence to the Attorney-General, to which I have not yet received a response.

As can be gleaned from the correspondence, whilst it is the Society's position that this subsection is being interpreted incorrectly by RMPAT in its administration of that provision; this Bill presents an opportunity to remove any ambiguity for the reasons expressed in that correspondence.

It is submitted that the ambiguity could be resolved (allowing for the introduction of greater efficiencies of process for law firms and RMPAT) by simply inserting the words 'or, agreement to pay, on terms acceptable to the Tribunal' after the words 'on payment of' in [ss37\(4\)](#). Or similar.

I look forward to hearing from you in due course.

Yours faithfully



Francesca Saturno
Deputy Executive Director