



ANNO TRICESIMO OCTAVO

ELIZABETHAE II REGINAE

A.D. 1989

No. 14 of 1989

An Act to amend the Animal and Plant Control (Agricultural Protection and Other Purposes) Act, 1986.

[Assented to 20 April 1989]

The Parliament of South Australia enacts as follows:

Short title

1. (1) This Act may be cited as the *Animal and Plant Control (Agricultural Protection and Other Purposes) Act Amendment Act, 1989*.

(2) The *Animal and Plant Control (Agricultural Protection and Other Purposes) Act, 1986*, is referred to in this Act as “the principal Act”.

Contributions by councils to board funds

2. Section 36 of the principal Act is amended by striking out from subsection (1) “the thirtieth day of June” and substituting “31 October”.

Owner of land to destroy or control plants

3. Section 57 of the principal Act is amended—

(a) by striking out “An owner” from subsection (1) and substituting “Subject to subsection (3), an owner”;

(b) by striking out “An owner” from subsection (2) and substituting “Subject to subsection (3), an owner”;

and

(c) by inserting the following subsections after subsection (2):

(3) The Commission may, subject to such conditions as the Commission thinks fit, exempt a person from the requirements of subsection (1) or (2).

(4) The Commission may, by notice in writing given to a person to whom it has granted an exemption under subsection (3), vary or revoke the exemption, or a condition of the exemption, or attach a further condition to the exemption.

Prohibition against destroying certain vegetation

4. Section 64 of the principal Act is amended by striking out subsection (2).

Insertion of new s. 64a

5. The following section is inserted after section 64 of the principal Act:

Immunity from liability of landowner, etc.

64a. (1) Notwithstanding any other Act or law to the contrary an owner of land, the Commission, a control board or any other person who—

- (a) destroys an animal or plant;
 - (b) captures or removes an animal from land;
 - (c) takes any other action that is a prescribed measure for the control of animals;
- or
- (d) after an animal has been removed from land, sells or otherwise disposes of the animal,

pursuant to this Act, is not subject to any criminal or civil liability in relation to that action.

(2) The immunity provided by subsection (1) to an owner of land, the Commission or a control board extends to a person who acts on behalf of the owner, the Commission or the control board.

Substitution of s. 70

6. Section 70 of the principal Act is repealed and the following section is substituted:

Immunity from liability of members of Commission, etc.

70. (1) No civil liability attaches to—

- (a) a member of the Commission or its staff;
- (b) a State authorized officer;
- (c) a person acting at the direction of the Commission;
- (d) a control board or a member of a control board;
- (e) a local authorized officer or other person appointed or employed by a control board;
- (f) a person who accompanies and assists an authorized officer in the exercise of powers conferred by this Act;

or

- (g) a person acting at the direction of a control board,

for an act or omission by that person, the Commission, or the board, in good faith, in the exercise or discharge or purported exercise or discharge of powers, duties or functions under this Act.

(2) A liability that would, but for this section, attach to a person or a control board attaches instead to the Crown.

In the name and on behalf of Her Majesty, I hereby assent to this Bill.

D. B. DUNSTAN, Governor