**ANIMAL AND PLANT CONTROL (AGRICULTURAL PROTECTION AND OTHER PURPOSES) (IMMUNITY FROM LIABILITY) AMENDMENT BILL 1992**

**House of Assembly, 13 August 1992, page 129**

Second reading

**The Hon. LYNN ARNOLD (Minister of Agriculture**) obtained leave and introduced a Bill for an Act to amend the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986. Read a first time.

The Hon. LYNN ARNOLD: I move: That this Bill be now read a second time. I seek leave to have the second reading explanation inserted in Hansard without my reading it Leave granted.

Explanation of Bill

The object of the Bill is to make an amendment which has been shown to be desirable since the Act was introduced to provide an integrated system for the control of proclaimed plants and animals under the guidance and direction of the single authority, the Animal and Plant Control Commission.

The present section 70 of the Animal and Plant Control (Agricultural Protection and Other Purposes) Act 1986 provides protection from civil liability for members of the commission or its staff or persons acting at the direction of the commission and also for local control boards, their members, staff or contractors. The liability attaches to the Crown. The introduction of the Local Government Mutual Liability Scheme which provides comprehensive liability cover for local boards has made it desirable to amend the section to attach the liability for board actions to the local board.

I commend the Bill to members.

Clause 1 is formal.

Clause 2 repeals section 70 of the principal Act and a proposed section is substituted that provides that no liability attaches to—

• a member of the commission or its staff;

• a State authorised officer;

• a person who accompanies and assists a State authorised officer at the request of the officer;

• a person acting at the direction of the commission;

• a member of a control board;

• a local authorised officer or other person appointed or employed by a control board;

• a person who accompanies and assists a local authorised officer at the request of the officer, or

• a person acting at the direction of a control board, for an honest act or omission in the exercise or purported exercise of a power or function under this Act.

Proposed subsection (2) provides—

• that a liability that would, but for subsection (1), lie against a member of the commission or its staff, a State authorised officer, a person who accompanies and assists a State authorised officer at the request of the officer, or a person acting at the direction of the commission, lies against the Crown; and

• that a liability that would, but for subsection (1), lie against a member of a control board, a local authorised officer or other person appointed or employed by a control board, a person who accompanies and assists a local authorised officer at the request of the officer, or a person acting at the direction of a control board, lies against the relevant control board.

Mr LEWIS secured the adjournment of the debate.