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

No. 61 of 1992

SUMMARY OF PROVISIONS

Section
1. Short title
2. Substitution of s. 70
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) (Immunity from Liability) Amendment Act 1992.

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

Substitution of s. 70

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 Section 70 of the principal Act is repealed and the following section is substituted:

   Immunity from liability

   70. (1) No liability attaches to—

   (a) a member of the Commission or its staff;

   (b) a State authorized officer;

   (c) a person who accompanies and assists a State authorized officer at the request of the officer;

   (d) a person acting at the direction of the Commission;

   (e) a member of a control board;

   (f) a local authorized officer or other person appointed or employed by a control board;

   (g) a person who accompanies and assists a local authorized officer at the request of the officer;

   or

   (h) 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.

(2) A liability that would, but for subsection (1)—

(a) lie against a person referred to in subsection (1) (a), (1) (b), (1) (c) or (1) (d),
lies against the Crown;

(b) lie against a person referred to in subsection (1) (e), (1) (f), (1) (g) or (1) (h),
lies against the control board—

(i) of which the person is a member;

(ii) which appointed or employed—

(A) the local authorized officer or other person;

or

(B) the local authorized officer who requested the person to accompany and assist him or her;

or

(iii) at whose direction the person was acting.

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

ROMA MITCHELL Governor