**BIOLOGICAL CONTROL (MISCELLANEOUS) AMENDMENT BILL 2016**

**Legislative Assembly, 22 September 2016, pages 6970-1**

Second Reading

**The Hon. L.W.K. BIGNELL (Mawson—Minister for Agriculture, Food and Fisheries, Minister for Forests, Minister for Tourism, Minister for Recreation and Sport, Minister for Racing):** 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.

Biological control is a highly effective tool for controlling pests and weeds that impact on agriculture and the environment by using the pest's natural enemies.

This Amendment Bill clarifies that viruses and sub-viral agents are included within the definition of an organism for the purpose of biological control to manage targeted pests*.*

The amendments address an issue that has arisen about the classification of viruses and sub-viral agents as living organisms and the possible legal implications this might have for agent and target organism declarations made under the biological control acts.

The *Biological Control Act 1986* (SA) is part of a national scheme of mirror legislation that is based on the Commonwealth's *Biological Control Act 1984*. Uniform legislation was passed by the State and Northern Territory Parliaments to establish a uniform and equitable system applying throughout Australia, to ensure that biological control programs that have been identified as being in the public interest could proceed without interruption by litigation.

The need for the acts was recognised in June 1983, when an injunction was obtained which prevented the release of insects to control Salvation Jane, an important pasture weed. A small group of stakeholders who believed the plant had beneficial qualities obtained the injunction on the grounds of the common law of private nuisance. With the advent of the Acts, biological control was able to proceed on Salvation Jane, which has been very effective in now preventing its dominance in pastures.

The Biological Control Acts were enacted to provide both a means of authorising the release of control agents and an equitable way of resolving a conflict of interests concerning biological control programs with a view to establishing public benefit.

As biological control programs have national implications, the acts establish the Minister of the relevant national council as the Biological Control Authority in each jurisdiction. The South Australian Biological Control Authority is committed to the Minister for Agriculture, Food and Fisheries as the member of the Agriculture Minister's Forum.

The essential elements of the Biological Control Acts are:

(i) public opinion concerning a proposed biological activity must be widely canvassed;

(ii) depending on the nature of any public comment, an inquiry may be held; and

(iii) based on the information available, including the report of a public inquiry, the program may be declared under the Act and biological control agents may then be released. A declared program protects those authorised to conduct the program from any legal action for damages and precludes the opportunity to halt the program by means of a common law injunction.

This Bill will ensure that programs that use viruses or sub-viral agents for biological control of a pest can be conducted using the legal protections provided by the Biological Control Act.

I commend the Bill to the House.