**PEST PLANTS ACT AMENDMENT BILL 1985**

**Legislative Council, 18 September 1985, pages 998-9**

Second reading

**The Hon. FRANK BLEVINS (Minister of Agriculture)** obtained leave and introduced a Bill for an Act to amend the Pest Plants Act 1976. Read a time.

The Hon. FRANK BLEVINS: 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 principal object of this Bill is to give pest plant control boards a clear power to enter into contracts with landowners for the control of pest plants on their lands . A recent judgment in the District Court of Adelaide ruled that such a power was not contemplated by the principal Act, and that therefore any such contract was invalid. This decision has the potential to impede quite seriously the proper control of pest plants in this State as, in many cases, it is only the pest plant control boards that can carry out the necessary work. In the remoter areas of the State in particular, landowners do not have access to private contractors and, if an owner does not himself have the resources or equipment for effective pest plant control on his land, then the nearest pest plant control board is the only alternative.

Private contracting work has also had the desirable effect of generating funds to enable control boards to meet their obligations under loans taken out for the purpose of setting up the boards with all the plant and equipment necessary for the enforcement of the Act.

Clauses 1 and 2 are formal. The commencement of the amendment is back-dated to the commencement of the principal Act, so that any contracts previously entered into by control boards are validated. Clause 3 inserts a new provision empowering a control board to enter into contracts with landowners or other control boards for the destruction or control of pest plants. It is provided that such contracts may relate to land outside the control area of the board.

Clause 4 recasts the immunity from liability provision. The present provision gives immunity to not only various individuals such as control board and commission members and staff, but also to the boards themselves and to the commission. This is undesirable, as such provisions are only intended to give immunity from personal liability. The new provision is therefore limited to protecting staff, board and commission members, authorised officers and other persons acting at the direction of the commission or a control board. The section also contains the now standard provision requiring the Crown to pick up any liability from which such a person is protected.

The Hon. PETER DUNN secured the adjournment of the debate.