



# Agricultural Chemicals Distribution Control Act 1966

Reprinted as in force on 14 December 2003

Reprint No. 2B<sup>\*</sup>

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This Act is reprinted as at 14 December 2003. The reprint—

- shows the law as amended by all amendments that commenced on or before that day (Reprints Act 1992 s 5(c))
- incorporates all necessary consequential amendments, whether of punctuation, numbering or another kind (Reprints Act 1992 s 5(d)).

The reprint includes a reference to the law by which each amendment was made—see list of legislation and list of annotations in endnotes. Also see list of legislation for any uncommenced amendments.

Minor editorial changes allowed under the provisions of the Reprints Act 1992 have also been made to use aspects of format and printing style consistent with current drafting practice (s 35).

This page is specific to this reprint. See previous reprints for information about earlier changes made under the Reprints Act 1992. A table of reprints is included in the endnotes.

**Also see endnotes for information about—**

- **when provisions commenced**
- **editorial changes made in earlier reprints.**

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Queensland

# Agricultural Chemicals Distribution Control Act 1966

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# **Agricultural Chemicals Distribution Control Act 1966**

[as amended by all amendments that commenced on or before 14 December 2003]

## **An Act to control the distribution of agricultural chemicals from aircraft and from ground equipment, and for other purposes**

### **Part 1 Preliminary**

#### **1 Short title**

This Act may be cited as the *Agricultural Chemicals Distribution Control Act 1966*.

#### **2 Commencement of pts 3–6**

- (1) Parts 3 and 4 shall come into operation on a date to be fixed by the Governor in Council by proclamation published in the gazette.
- (1A) The same date may be so fixed in respect of both of those parts or different dates may be so fixed in respect of them respectively.
- (2) Parts 5 and 6 shall come into operation—
  - (a) to the extent to which the provisions of those parts relate to aerial distribution—on the date on which part 3 comes into operation; and
  - (b) to the extent to which the provisions of those parts relate to ground distribution—on the date on which part 4 comes into operation.
- (3) No provision of this section or proclamation made under this section shall limit or prejudice howsoever the power conferred upon the Governor in Council by section 3.

**3 Application of Act**

The Governor in Council, by regulation, may declare that this Act, or a specified provision of this Act, does not apply in a specified part of the State.

**4 Act to bind Crown**

Save as where otherwise expressly provided in this Act, the provisions of this Act bind the Crown.

**6 Definitions**

The dictionary in the schedule defines particular words used in this Act.

**6A Words and expressions used in Agvet Code and this Act**

- (1) Words and expressions used in the Agvet Code and this Act have the same meanings in this Act as they have in the Agvet Code.
- (2) Words and expressions mentioned in subsection (1) that are expressly defined in section 3 of the Agvet Code are also signposted in the dictionary.

**6B Reference to loss or damage**

A reference in this Act to loss or damage caused by aerial or ground distribution, or by the distribution of agricultural chemicals by aerial or ground distribution, includes loss or damage caused by the drift of any agricultural chemical used in the distribution.

**Part 2 Administration****7 Appointment of inspectors and analysts**

- (1) The chief executive may appoint a person to be an inspector or analyst.



- (2) The chief executive may appoint a person as an inspector or analyst only if the chief executive is satisfied the person has the necessary expertise or experience.
- (3) In this section—  
*inspector* does not include the standards officer or a deputy standards officer.

### **7A Limitation of inspector's powers**

The powers of an inspector may be limited—

- (a) under a regulation; or
- (b) under a condition of appointment; or
- (c) by written notice of the chief executive given to the inspector.

### **7B Inspector's identity card**

- (1) The chief executive must give each inspector an identity card.
- (2) The identity card must—
  - (a) contain a recent photograph of the inspector; and
  - (b) be signed by the inspector; and
  - (c) identify the person as an inspector under this Act.
- (3) A person who ceases to be an inspector must return the person's identity card to the chief executive as soon as practicable (but within 21 days) after the person ceases to be an inspector, unless the person has a reasonable excuse for not returning it.

Maximum penalty—10 penalty units.

- (4) This section does not prevent the giving of a single identity card to a person under this Act and for other Acts or purposes.

### **7C Production or display of inspector's identity card**

- (1) An inspector may exercise a power under this Act in relation to someone else only if the inspector—

- (a) first produces his or her identity card for the person's inspection; or
  - (b) has the identity card displayed so it is clearly visible to the person.
- (2) However, if for any reason it is not practicable to comply with subsection (1), the inspector must produce the identity card for the person's inspection at the first reasonable opportunity.

## **8 Agricultural Chemicals Distribution Control Board**

- (1) The Agricultural Chemicals Distribution Control Board is continued in existence.
- (2) The board consists of the following members appointed by the Governor in Council—
  - (a) an officer of the department;
  - (b) the standards officer;
  - (c) 2 persons nominated by the Minister chiefly responsible for issues about land;
  - (d) 5 other persons (at least 1 of whom has extensive knowledge of, or experience in, aerial distribution).
- (3) The board may ask officers of any department to act in an advisory capacity on agricultural chemicals distribution issues.
- (4) The member of the board mentioned in subsection (2)(a) is the chairperson.
- (5) The Governor in Council may appoint a member of the board to be the deputy chairperson.
- (6) A member of the board mentioned in subsection (2)(c) or (d) is appointed for the term (not longer than 3 years) stated in the member's instrument of appointment.
- (7) The Minister may appoint a deputy of a member of the board to act for the member during any period or all periods when the member is unable, for any reason, to attend board meetings.

**9 Time and place of meetings**

- (1) Meetings of the board are to be held at the times and places it decides.
- (2) The chairperson—
  - (a) may at any time call a meeting of the board; and
  - (b) must call a meeting if asked by at least 4 members.

**9A Procedures for conduct of proceedings**

- (1) The chairperson must preside at all meetings at which the chairperson is present.
- (2) If the chairperson is absent, the deputy chairperson must preside.
- (3) If both the chairperson and deputy chairperson are absent, the member chosen by the members present must preside.
- (4) At a meeting of the board—
  - (a) the number that is at least half of the number of persons appointed as members form a quorum; and
  - (b) a question is decided by a majority of the votes of the members present and voting; and
  - (c) each member present has a vote on each question to be decided and, if the votes are equal, the member presiding has a casting vote.
- (5) The board may conduct its proceedings (including its meetings) as it considers appropriate.
- (6) The board may hold meetings, or allow members to take part in meetings, by telephone, closed circuit television or another form of communication.
- (7) A member who takes part in a meeting of the board under permission under subsection (6) is taken to be present at the meeting.
- (8) A resolution is a valid resolution of the board, even though it was not passed at a meeting of the board, if—
  - (a) all members give written agreement to the proposed resolution; and

- (b) notice of the proposed resolution was given under procedures approved by the board.

## **9B Disclosure of interests**

- (1) This section applies to a member if—
  - (a) the member has a direct or indirect financial interest in an issue being considered, or about to be considered, by the board; and
  - (b) the interest could conflict with the proper performance of the member's duties about the consideration of the issue.
- (2) As soon as practicable after the relevant facts come to the member's knowledge, the member must disclose the nature of the interest to a meeting of the board.
- (3) The disclosure must be recorded in the board's minutes and, unless the board otherwise decides, the member must not—
  - (a) be present when the board considers the issue; or
  - (b) take part in a decision of the board on the issue.
- (4) The member must not be present when the board is considering its decision under subsection (3).
- (5) Another member who also has a direct or indirect financial interest in the issue must not—
  - (a) be present when the board is considering its decision under subsection (3); or
  - (b) take part in making the decision.

## **9C Minutes**

The board must keep minutes of its proceedings.

## **10 Advisory committees**

- (1) The board may appoint such advisory committees as it thinks fit to advise it on such matters within the scope of its functions as are referred to those committees by the board.

- (2) A person may be appointed a member of any such committee whether or not the person is a member of the board.

### **10A Executive committees**

- (1) The board may appoint such executive committees as it thinks fit to carry out such functions or duties of the board or to exercise such powers or authorities of the board as are delegated to the committees under section 10B.
- (2) A committee appointed under subsection (1) shall consist of such members of the board as the board decides and the chairperson of the committee shall be appointed by the board.
- (3) A committee appointed under subsection (1) may coopt such officers in an advisory capacity as it thinks fit.

### **10B Delegations by board**

The board may delegate its powers under this Act to the standards officer or an executive committee.

## **Part 3 Aerial distribution**

### **12 Pilot chemical rating licence**

- (1) Subject to this Act the board shall have power to grant pilot chemical rating licences.
- (2) A person may apply for, and hold, a pilot chemical rating licence only if the person has—
  - (a) a commercial pilot's licence or senior commercial pilot's licence, endorsed with an agricultural rating, issued under the Civil Aviation Regulations or Orders (Cwlth); and
  - (b) the qualifications prescribed by regulation.

**13 Effect of termination or suspension of pilot's licence**

- (1) If by reason of expiration, cancellation or suspension the licence referred to in section 12(2)(a) of a person who holds a pilot chemical rating licence ceases to be in force then, on and from the date of such cesser and by virtue thereof, that chemical rating licence shall also cease to be in force.
- (2) However, in the case of such cesser by suspension if the suspended licence is revived upon or by termination of the suspension the pilot chemical rating licence shall also be revived unless it has been sooner cancelled or further suspended.

**14 Certificate issued in another State**

- (1) For the purposes of the provisions of this Act relating to aerial distribution a certificate or licence issued under a law of any other State or Territory—
  - (a) which corresponds to a pilot chemical rating licence issued under this Act; and
  - (b) which is in force at any material time in the State or Territory in which it was issued;shall be equivalent in Queensland to a pilot chemical rating licence issued under this Act and shall have force and effect accordingly.
- (3) The provisions of sections 20 to 23 apply with respect to the operation in Queensland of a certificate or licence referred to in subsection (1) as if it were a pilot chemical rating licence issued under this Act and its operation in Queensland may be cancelled or suspended accordingly.

**15 Aerial distribution contractor licence**

- (1) Subject to this Act the board shall have power to grant aerial distribution contractor licences.
- (2) A person may apply for, and hold, an aerial distribution contractor licence only if the person has an aerial work licence, endorsed to conduct agricultural operations, issued under the Civil Aviation Regulations or Orders (Cwlth).

## **Part 4                      Ground distribution**

### **16        Commercial operators' licence**

- (1) Subject to this Act the board shall have power to grant commercial operators' licences of all or any of the classes thereof prescribed.
- (2) A person who does not possess the qualifications prescribed for a particular class of commercial operator's licence shall not be entitled to apply for and shall not be granted a commercial operator's licence of that class.

### **16A      When pest management technician is taken to hold commercial operator's licence**

- (1) For a provision of this Act relating to ground distribution, a pest management technician who holds a relevant pest management qualification is taken to hold a commercial operator's licence.
- (2) Sections 20 to 23 apply, with necessary changes, to the operation, under this Act, of the pest management technician's licence as if it were a commercial operator's licence.
- (3) For subsection (2), a reference in sections 20 to 23 to the suspension or cancellation of a commercial operator's licence is taken to be a reference to the suspension or cancellation of the operation of the pest management technician's licence under this Act as a commercial operator's licence.
- (4) In subsection (1)—

*relevant pest management qualification* means a qualification prescribed for the subsection under a regulation.

### **16B      Ground distribution contractor licence**

The board may grant a ground distribution contractor's licence.

## **Part 5 Regulation of licensing**

### **17 Application for licences**

- (1) An application for a licence must—
  - (a) be made to the board in the approved form; and
  - (b) be accompanied by the fee (if any) prescribed by regulation.
- (2) If asked by the board, the applicant must give the further relevant information or evidence the board reasonably requires to decide the application.
- (3) The board must consider an application for a licence and may grant, or refuse to grant, the licence.
- (4) If the board decides to grant the application, the board must, as soon as practicable, issue a licence to the applicant.
- (5) The board may grant an application for a pilot chemical rating licence or commercial operator's licence only if the board is satisfied the applicant is at least 17 years of age.
- (6) If the board decides to refuse to grant the application, the board must, as soon as practicable—
  - (a) give the applicant an information notice about the decision; and
  - (b) refund the fee mentioned in subsection (1)(b).

### **18 Term of licence**

- (1) A licence has effect from the day it is issued.
- (2) The board may issue, or renew, a licence for up to 3 years.

### **19 Renewal of licence**

- (1) A licensee may apply to the board to renew a licence within 60 days before the licence expires.
- (2) If the board does not receive an application to renew a licence by the day the licence is to expire, the licence expires.
- (3) The application must be—



- (a) made in the approved form; and
- (b) accompanied by the fee prescribed under a regulation.
- (4) The applicant must give the board any relevant information or document the board reasonably requires to decide the application.
- (5) The board must consider the application and either grant, or refuse to grant, the application.
- (6) If the board decides to grant the application, the board must, as soon as practicable, issue a new licence to the applicant.
- (7) The new licence takes effect from the day the licence being renewed would otherwise have expired.
- (8) If the board decides to refuse to grant the application, the board must, as soon as practicable—
  - (a) give the applicant an information notice about the decision; and
  - (b) refund the fee mentioned in subsection (3)(b).

### **19A Expiring licence continues in force**

- (1) If a licensee has applied, under section 19, to renew a licence, the licence continues in force from the day it would, apart from this section, have expired until—
  - (a) if the application is granted—a new licence is issued to the applicant; or
  - (b) if the application is withdrawn—the day the application is withdrawn; or
  - (c) if the application is refused—the day the information notice about the decision is given to the applicant.
- (2) Subsection (1) does not apply if the licence is earlier suspended or cancelled.

### **19B Notice of change in circumstances**

- (1) Subsection (2) applies if there is a change of the following type in a licensee's circumstances—
  - (a) a change in the licensee's name or address;

- (b) another change in the licensee's circumstances prescribed under a regulation.
- (2) The licensee must, within 21 days after the change, give the board written notice of the change.

Maximum penalty—10 penalty units.

## **20 Suspension of licence by standards officer**

Where the standards officer is of the opinion that it is in the public interest that a licence should be suspended during any investigation into any act or omission alleged to have been committed by the licensee, the standards officer may suspend that licence for such period, not being in excess of 1 month, as the standards officer thinks fit; and such suspension shall remain in force for such period unless sooner removed by the board.

## **21 Cancellation or suspension of licence**

- (1) Where the board is satisfied that—
  - (a) a licensee has committed an offence against this Act or the *Health (Drugs and Poisons) Regulation 1996*, section 290, made under the *Health Act 1937*; or
  - (b) a licensee has done an act or made an omission that would not entitle the licensee to apply for a licence of the type held by him or her; or
  - (c) a licence has been issued erroneously or in consequence of any false document, statement or representation or fraudulent document, statement or misrepresentation; or
  - (d) a licensee is in any other respect or respects not a fit and proper person to continue to hold his or her licence; or
  - (da) a licensed distribution contractor has failed to comply with a request made by the standards officer under section 26(2);

the board may by notice call upon the licensee in question to show cause within the time specified in the notice why the board should not recommend to the chief executive that the chief executive—

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- (e) cancel the licence concerned; or
- (f) suspend the licence concerned for such time as is specified in the notice;

and where the licensee fails to show cause within the time specified in the notice or within any extension of the time which the board may allow, the board may make a recommendation in accordance with the notice.

- (1A) Where the holder of a licence shows cause why the board should not recommend that his or her licence be cancelled, the board may, if it thinks fit, recommend that his or her licence should be suspended for the period stated in the recommendation.
- (2) If a recommendation is made by the board, the chief executive may—
  - (a) if cancellation of the licence is recommended—
    - (i) cancel the licence; or
    - (ii) suspend the licence for a period; or
  - (b) if suspension of the licence is recommended—suspend the licence for a period not longer than the period recommended.
- (3) If the chief executive cancels the licence, the chief executive may later—
  - (a) terminate the cancellation; or
  - (b) replace the cancellation with a period of suspension.
- (4) If the chief executive suspends the licence, the chief executive may later—
  - (a) terminate the suspension; or
  - (b) reduce the period of suspension.
- (5) As soon as practicable after the chief executive makes a decision under subsection (2), (3) or (4), the chief executive

must give the licensee or former licensee an information notice about the decision.

(6) In this section—

*licensee* includes a person whose licence is suspended under section 20.

## **22 Right of appeal to Magistrates Court**

(1) This section applies to the following decisions—

- (a) a decision of the board to refuse an application for a licence or the renewal of a licence;
- (b) a decision of the chief executive to cancel or suspend a licence.

(2) The applicant or licensee may appeal against the decision.

(3) The appeal may be made to the Magistrates Court nearest the place where the applicant or licensee resides, is employed or carries on business.

## **22A How to start appeal**

(1) An appeal is started by filing a written notice of appeal with the clerk of the court of the Magistrates Court.

(2) A copy of the notice must be served on the decision maker.

(3) The notice of appeal must be filed within 28 days after the appellant receives notice of the decision appealed against.

(4) However, the court may extend the period for filing the notice of appeal at any time.

(5) The notice of appeal must state the grounds of the appeal.

## **22B Stay of operation of decisions**

(1) The court may grant a stay of a decision appealed against to secure the effectiveness of the appeal.

(2) A stay—

- (a) may be granted on conditions the court considers appropriate; and

- (b) operates for the period stated by the court; and
  - (c) may be revoked or amended by the court.
- (3) The period of a stay stated by the court must not extend past the time when the court decides the appeal.
  - (4) An appeal against a decision affects the decision, or carrying out the decision, only if the decision is stayed.

## **22C Hearing procedures**

- (1) An appeal is to be by way of rehearing, unaffected by the decision maker's decision.
- (2) In deciding an appeal, the court—
  - (a) has the same powers as the decision maker; and
  - (b) is not bound by the rules of evidence; and
  - (c) must observe natural justice; and
  - (d) may hear the appeal in court or chambers.

## **22D Powers of court on appeal**

- (1) In deciding an appeal, the court may—
  - (a) confirm the decision appealed against; or
  - (b) set aside the decision and substitute another decision; or
  - (c) set aside the decision and return the issue to the decision maker with directions the court considers appropriate.
- (2) If the court substitutes another decision, the substituted decision is, for the purposes of this Act, taken to be the decision maker's decision.

## **22E Appeal to District Court**

A party dissatisfied by the decision of the court may appeal to the District Court, but only on a question of law.

**23 Effect of suspension**

Suspension of a licence (whether by the court, chief executive or standards officer)—

- (a) shall, whilst such licence is so suspended, have the same effect as the cancellation of the licence;
- (b) shall, whilst such licence is so suspended, prohibit the issuing to the person who held that licence of any licence under this Act;
- (c) shall not, upon the termination of that suspension extend the period during which that licence would have remained in force if it had not been so suspended.

**24 Register**

- (1) The standards officer shall in the prescribed manner keep a register in which the names and the prescribed particulars of all licensees shall be entered.
- (2) The register shall be open for public inspection at all reasonable times.

**Part 6 Regulation of distribution****26 Records to be kept**

- (1) A distribution contractor must make a record of the following particulars, namely—
  - (a) in the case of aerial distribution—the name of the pilot in command and the registration mark of the aircraft concerned;
  - (b) in the case of ground distribution—the name of the licensed commercial operator carrying out or supervising the carrying out of such distribution;
  - (c) the name and address of the person or persons for whom such distribution is being carried out;

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- (d) for each agricultural chemical used in the distribution—particulars to identify the chemical and, if the chemical has a distinguishing number, the number;
- Examples of particulars for paragraph (d)—*
- 1 name of the chemical
  - 2 name of the manufacturer of the chemical
  - 3 name and amount of the active constituent in the chemical
- (e) a description of any diluent, wetter, spreader, emulsifier or other material added to an agricultural chemical used in the distribution;
- (f) the description or the exact location of the land so treated including distances and directions from the nearest town site so that the land may be readily identified;
- (g) the date and the time of such distribution;
- (h) the estimated velocity and direction of the wind at the time and place of the distribution, any change in the velocity or direction during the distribution, and the time of the change;
- (i) the quantity and concentration and the total volume of the agricultural chemical applied during such distribution;
- (j) the total area covered by such distribution;
- (k) the type of crop treated;
- (l) the purpose or purposes for which such distribution was carried out;
- (m) such other particulars and matters as may be prescribed;
- and shall keep such record or cause it to be kept for a period of 2 years after such distribution.
- (2) At the request in writing of the standards officer a copy of the record kept pursuant to subsection (1) shall within the period and in the manner specified in the request be furnished to the standards officer by the distribution contractor.

(2A) A person who fails—

- (a) to make or cause to be made a record required by subsection (1) to be made;
- (b) to keep or cause to be kept a record required by subsection (1) to be kept;
- (c) to comply with a request made pursuant to subsection (2);

shall be guilty of an offence against this Act.

Maximum penalty—20 penalty units.

(3) Any person who with intent to defraud or deceive any other person—

- (a) alters or falsifies any record made pursuant to this section; or
- (b) makes or concurs in the making of any false or fraudulent entry in any such record; or
- (c) omits or concurs in omitting any material particular from any such record;

shall be guilty of an offence against this Act.

Maximum penalty—

- (a) on indictment—50 penalty units or imprisonment for 5 years; or
- (b) on a summary proceeding—50 penalty units or imprisonment for 1 year.

## **27 Production of distribution records**

- (1) This section applies to a record of a distribution that a person is required under section 26 to keep for 2 years after the distribution.
- (2) An inspector may, within the 2 years, ask the person to produce the record for inspection.
- (3) The person must immediately produce the record for inspection by the inspector, unless the person has a reasonable excuse.

Maximum penalty—20 penalty units.



- (4) The inspector may keep the record to make a copy of it.
- (5) However, the inspector must return the record to the person as soon as practicable after making a copy of it.

## **28 Hazardous areas**

- (1) A regulation may declare an area to be a hazardous area and prescribe conditions for carrying out aerial or ground distribution in the area.
- (2) The chief executive must publish a notice of the declaration and conditions in a newspaper circulating generally in the hazardous area.

## **29 Carrying out of distributions in hazardous areas**

A person must not carry out aerial or ground distribution in a hazardous area unless the distribution is carried out under the conditions prescribed by regulation for the area.

Maximum penalty—100 penalty units or imprisonment for 6 months.

## **30 Notice of damage by agricultural chemicals**

- (1) Where a person alleges that loss of or damage to crops or stock on land owned or occupied by the person is caused by or arises out of or in connection with the distribution of agricultural chemicals by aerial or ground distribution the person may, in writing, give notice to the standards officer of such loss or damage giving such particulars and information as may be prescribed—
  - (a) in the case of loss of or damage to crops—within 14 days; or
  - (b) in the case of loss of or damage to stock—within 2 days; of having suspected such loss or damage.
- (2) A person who has given notice to the standards officer shall give 14 days notice of the person's intention to harvest or, as the case may be, destroy the crops or stock which are alleged by the person to have been damaged or lost.

- (3) Any person who in a notice given pursuant to this section makes a statement which the person knows to be false with the intent that the standards officer, another officer or any person authorised in writing by the standards officer shall do any act or thing as a result of such statement, commits an offence against this Act.

### **31 Effect of failure to give notice**

- (1) This section applies to an action in which damages are being claimed for the loss of, or damage to, crops or stock claimed to be caused by aerial or ground distribution.
- (2) If the claimant in the action contravenes section 30, the claimant may not, without the court's leave—
  - (a) call an officer, or an officer of the department, as a witness; or
  - (b) put in evidence—
    - (i) a report or statement mentioned in section 32 or 33; or
    - (ii) a document of the department or board or a member of the board.
- (3) The court may grant leave for the purposes of subsection (2) only if—
  - (a) the defendant agrees; or
  - (b) the court is satisfied—
    - (i) the contravention was caused by mistake or another reasonable reason; or
    - (ii) the defendant will not be materially prejudiced by the contravention.

### **32 Powers of inspection in case of damage to crops etc.**

- (1) The standards officer or another inspector—
  - (a) may enter on any land on which any crops or stock have been notified to him or her to have been lost or damaged by aerial or ground distribution and carry out such inspections on the land and take and remove such

samples of matter on or in that land as the standards officer or another inspector thinks fit for the purpose of making the report referred to in paragraph (c) or, as the case may be, paragraph (d); and

- (b) may enter and inspect any land, wheresoever situated for the purpose of ascertaining possible sources of drift of agricultural chemicals and may take and remove such samples of matter on or in that land as the standards officer or another inspector thinks fit for the purpose of making the report referred to in paragraph (c) or, as the case may be, paragraph (d); and
  - (c) in the case of an entry by the standards officer—shall make a report of all his or her findings in connection with the crops or stock reported to be so lost or damaged; and
  - (d) in the case of an entry by another inspector—shall, after entering land in pursuance of this subsection, make a written report to the standards officer of all his or her findings in connection with the crops or stock reported to be so lost or damaged; and
  - (e) in the case of an entry by another inspector—shall deliver to the standards officer all samples taken and removed in accordance with paragraphs (a) and (b).
- (2) A person must not obstruct the standards officer, or another inspector in the exercise of a power under this section, unless the person has a reasonable excuse.

Maximum penalty for subsection (2)—20 penalty units.

### **33 Board to make statement on damage**

- (1) Where the standards officer receives a report from another inspector in pursuance of section 32(1) the standards officer shall submit such report, together with such comments as the standards officer thinks are applicable, to the board.
- (1A) Where the standards officer has made a report in pursuance of section 32(1) the standards officer shall submit that report to the board.

- (1B) Upon receiving any such report the board shall—
- (a) consider the report and comments (if any) of the standards officer; and
  - (b) make a statement in relation to the alleged loss or damage which was the subject of the report.
- (2) The board may issue a copy of the statement made in pursuance of subsection (1) to those persons who in the opinion of the board are interested parties.

### **34 Powers of inspectors**

- (1) An inspector may—
- (a) enter any place where—
    - (i) there is or the inspector has reasonable ground to believe there is or will be any aircraft or ground equipment which the inspector reasonably believes to be used or intended to be used for aerial or ground distribution;
    - (ii) the inspector has reasonable ground to believe aerial or ground distribution is being, has been or will be carried out;
  - (b) search therein for any crop, material, aircraft, aerial equipment, ground equipment, loading equipment or mixing equipment;
  - (c) inspect and examine or cause to be inspected and examined any crop, material, aircraft, aerial equipment, ground equipment, loading equipment or mixing equipment found therein;
  - (ca) open or cause to be opened any package, container, bin, tank or hopper found therein that contains or that the inspector has reasonable ground to believe contains an agricultural chemical;
  - (cb) select and take or cause to be selected and taken, and remove or cause to be removed for analysis any crop or material found therein or any other matter found therein that the inspector suspects is an agricultural chemical, or portions or samples of any such crop, material or matter;

- (d) ask anyone the inspector considers can help, to help the inspector search, inspect, examine, open, select, take or remove anything on the place;
  - (e) question with respect to matters under this Act any person; and require any person to answer the questions put and to sign a declaration of the truth of the person's answers.
- (2) No provision of subsection (1) or of section 40 shall be construed so as—
- (a) to oblige any person to answer any question or make any statement which answer or statement would or would tend to incriminate the person; or
  - (b) to render any person liable to a penalty for failure to make such an answer or statement.
- (3) Subsection (1) shall not authorise any of the persons mentioned in that subsection to enter and search without the permission of the occupier any dwelling house or any part used for residential purposes of a building unless that person does so under the authority of a search warrant.
- (4) If it appears to a justice of the peace, upon complaint made on oath by any of the persons mentioned in subsection (1), that such person has reasonable grounds for believing and does believe that any aircraft or ground equipment or agricultural chemical which such person reasonably believes to be used or to be intended to be used for aerial distribution or ground distribution is in any dwelling house or in any part used for residential purposes of a building then that justice may issue his or her warrant directing the person named therein to search that dwelling house or part of a building.

## **Part 7**

## **General**

### **36 Faulty or defective equipment**

- (1) This section applies if an inspector reasonably believes ground equipment or aerial equipment, or part of the

equipment, to be faulty or defective or likely to cause loss of, or damage to, stock or crops.

- (2) The inspector may give to the owner or distribution contractor responsible for the use of the equipment, written notice requiring the owner or contractor to do any 1 or more of the following—
  - (a) stop using the equipment immediately, or after a date stated in the notice, until the equipment is repaired or altered in the way stated in the notice;
  - (b) repair or alter the equipment in the way, and within the time, stated in the notice;
  - (c) refrain from selling, hiring, or otherwise disposing of, or parting with possession of, the equipment until the requirements under paragraph (a) or (b) have been satisfied.
- (3) A person to whom such notice has been given shall comply in every respect with the requirements of that notice.

Maximum penalty for subsection (3)—20 penalty units.

- (4) If it is not practicable to give written notice, the inspector may give the notice orally but must, as soon as practicable, give notice again in writing.

### **39 Aerial or ground distribution by or under supervision of licensed persons**

- (1) A person shall not carry out or cause or permit to be carried out aerial distribution unless the pilot in command of the aircraft from which the distribution is carried out holds a pilot chemical rating licence and the aerial distribution is carried out in the course of the business of, at the direction of or under the authority of a licensed aerial distribution contractor.

Maximum penalty—20 penalty units.

- (2) A person shall not carry out or cause or permit to be carried out ground distribution unless the person who operates the ground equipment from which the distribution is carried out—
  - (a) either—

- (i) holds a commercial operator's licence and carries out the ground distribution under the licence; or
- (ii) operates the equipment under the supervision of the holder of a commercial operator's licence, who is authorised under the licence to carry out the distribution and is present during the whole of the distribution; and
- (b) carries out the ground distribution in the course of the business of, at the direction of, or under the authority of—
  - (i) a licensed aerial distribution contractor; or
  - (ii) a licensed ground distribution contractor.

Maximum penalty—20 penalty units.

- (3) It is a defence to a charge of an offence against subsection (2) that the operator of the ground equipment was using the equipment at the material time on—
  - (a) land owned or occupied by—
    - (i) himself or herself; or
    - (ii) a relative of his or hers; or
    - (iii) his or her employer who is primarily engaged in pastoral or agricultural pursuits and to whom he or she is bound by a contract of service that is primarily for work other than the carrying out of the ground distribution in question; or
  - (b) any unallocated State land, reserve or road under the *Land Act 1994* that adjoins land mentioned in paragraph (a) with the permission of the entity that holds or controls the unallocated State land, reserve or road.

#### **40 Obstructing inspection etc.**

Any person who—

- (a) assaults, resists, or obstructs an inspector in the exercise of the inspector's powers or in the discharge of the inspector's duties under this Act or attempts so to do;

- (b) fails to answer any question put to the person in pursuance of this Act by an inspector or gives any false or misleading answer to any such question;
- (c) directly or indirectly prevents any person from appearing before or being questioned by an inspector, or attempts so to do;
- (d) uses any threat or any abusive or insulting language to any inspector or to an employee with respect to any inspection or examination or questioning;
- (e) fails when reasonably required so to do to assist an inspector in the exercise of the inspector's powers under section 34;

shall be guilty of an offence against this Act.

Maximum penalty—20 penalty units or imprisonment for 6 months.

## **42 Prosecutions generally**

- (1) An offence against this Act is a summary offence, unless expressly provided otherwise.
- (2) A proceeding for an offence against this Act must start—
  - (a) within 1 year after the offence is committed; or
  - (b) within 6 months after the offence comes to the complainant's knowledge, but within 2 years after the offence is committed.

## **43 Responsibility for acts or omissions of representatives**

- (1) If, in a proceeding for an offence against this Act, it is relevant to prove a person's state of mind about a particular act or omission, it is enough to show—
  - (a) the act or omission was done or omitted to be done by a representative of the person within the scope of the representative's actual or apparent authority; and
  - (b) the representative had the state of mind.
- (2) An act or omission done or omitted to be done for a person by a representative of the person within the scope of the



representative's actual or apparent authority is taken, in a proceeding for an offence against this Act, to have been done or omitted to be done also by the person, unless the person proves the person took all reasonable steps to prevent the act or omission.

- (3) If—
- (a) an individual is convicted of an offence against this Act; and
  - (b) the individual would not have been convicted of the offence if subsections (1) and (2) had not been enacted;
- the individual is not liable to be punished by imprisonment for the offence.

#### **44 Executive officers must ensure corporation complies with Act**

- (1) The executive officers of a corporation must ensure that the corporation complies with this Act.
- (2) If a corporation commits an offence against a provision of this Act, each of the executive officers of the corporation also commits an offence, namely, the offence of failing to ensure the corporation complies with this Act.

Maximum penalty—the penalty for the contravention of the provision by an individual.

- (3) Evidence that the corporation committed an offence against this Act is evidence that each of the executive officers committed the offence of failing to ensure that the corporation complies with this Act.
- (4) However, it is a defence for an executive officer to prove—
  - (a) if the officer was in a position to influence the conduct of the corporation in relation to the offence—the officer took all reasonable steps to ensure the corporation complied with the provision; or
  - (b) the officer was not in a position to influence the conduct of the corporation in relation to the offence.

**44A Protection from liability**

- (1) In this section—  
*official* means—
  - (a) the chief executive; or
  - (b) an officer; or
  - (c) a member of an executive committee of the board.
- (2) An official does not incur civil liability for an act done, or omission made, honestly and without negligence under this Act.
- (3) If subsection (2) prevents a civil liability attaching to an official, the liability attaches instead to the State.

**45 Evidence**

In any proceedings—

- (a) it shall not be necessary to prove the appointment of any officer, or the authority of any officer to do any act or to give any direction or order;
- (b) a certificate purporting to be under the hand of the standards officer of the standards officer making any request under this Act, or of the standards officer giving, issuing, or posting any notice, direction, or other thing under this Act, or of the standards officer giving or not giving any authority under this Act or of the receipt or non-receipt by the standards officer of any notice, application, or other document or of any other thing required by or under this Act to be given, made, or lodged to or with the standards officer, shall upon its production in evidence, be evidence of the matter or matters certified to therein and that the signature on the certificate is the signature of the standards officer, and in the absence of evidence in rebuttal, shall be conclusive evidence of such matter or matters and signature;
- (c) every entry in any minute book of the board purporting to be an entry relating to the proceedings of the board in any such case signed by the chairperson thereof or by the standards officer, and every certified copy of or

extract from any such entry signed by the standards officer shall upon its production in evidence, be evidence of the proceedings appearing by such entry (without proof of any meeting to which the same may refer or by which the same were made having been duly convened or held or that such proceedings were carried out or made in accordance with the prescribed provisions in that behalf), and that the signature thereon is the signature of the chairperson, or as the case may be, standards officer, and in the absence of evidence in rebuttal, shall be conclusive evidence of such proceedings, or as the case may be, signature;

- (d) the production of a certificate of analysis purporting to be under the hand of an analyst shall upon its production in evidence be evidence of the matter or matters certified therein and that the signature thereon is the signature of the analyst concerned, and in the absence of evidence in rebuttal shall be conclusive evidence of such matter or matters and signature.

#### **46 Chief executive may approve forms**

The chief executive may approve forms for use under this Act.

#### **48 Regulation-making power**

- (1) The Governor in Council may make regulations under this Act.
- (2) A regulation may make provision about the following—
  - (a) regulating aerial and ground distribution of agricultural chemicals over hazardous areas, including issuing permits for carrying out the distribution (and cancelling and suspending them);
  - (b) regulating the flying of aircraft equipped with aerial equipment, or movement of ground equipment carrying agricultural chemicals, over hazardous areas;
  - (c) providing for and regulating the cleansing of aircraft and ground equipment used to carry agricultural chemicals;

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- (d) regulating aerial and ground distribution of agricultural chemicals in conditions likely to cause the chemicals to drift;
- (e) regulating the use in aerial and ground distribution of preparations containing agricultural chemicals;
- (f) regulating the droplet or particle size in aerial and ground distribution;
- (g) the types of aerial and ground equipment that may be used;
- (h) regulating the type of aerial and ground distribution and the appliances that may be used;
- (i) types of licences, qualifications needed to hold a licence, terms under which licences may be obtained and held and the authority the licence confers on the licensee;
- (j) testing of licensees, the entity giving the tests, the times and places the tests are to be held, and the subjects of the tests;
- (k) fees to be paid for the issue or renewal of a licence, an application for a licence or permit, undertaking a test or any other purpose of the Act;
- (l) regulating inspection, investigation and samples, including—
  - (i) the way samples are taken; and
  - (ii) the quantity or weight of samples; and
  - (iii) the labelling of samples; and
  - (iv) the delivery of samples to the standards officer;
- (m) analysis and examination of agricultural chemicals, portions, samples, material and other things for this Act, including ways of analysing and examining to decide—
  - (i) the composition or physical properties of an agricultural chemical; or
  - (ii) the nature and amount of residue on any crop or stock; or
  - (iii) damage to any crop or stock;

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- (n) imposing penalties not exceeding 35 penalty units for a contravention of a regulation;
- (o) regulating cancellation and suspension of licences.

## Schedule                      Dictionary

sections 6 and 6A(2)

***aerial distribution*** means the spraying, spreading or dispersing whether intended or not of any agricultural chemical or any preparation containing any agricultural chemical from an aircraft in flight.

***aerial distribution contractor*** means any person who carries on the business of aerial distribution or at whose direction or upon whose authority, an aircraft is used to carry out aerial distribution.

***aerial equipment*** means, where used in relation to an aircraft, the equipment installed or attached or partly installed or partly attached to that aircraft and which is the means or the intended means by which the spraying, spreading or dispersing of any agricultural chemical or any preparation containing any agricultural chemical is or shall be undertaken from that aircraft when in flight.

***agricultural chemical*** means—

- (a) an agricultural chemical product; or
- (b) another material prescribed by regulation to be an agricultural chemical.

***agricultural chemical product*** see the Agvet Code, section 3.

***Agvet Code*** means the provisions applying because of section 5 of the *Agricultural and Veterinary Chemicals (Queensland) Act 1994*.

***aircraft*** means any machine that can derive support in the atmosphere from the reactions of the air.

***analysis*** means analysis or examination or analysis and examination, including any test or determination relative to composition or physical property of an agricultural chemical or to detection, identification and determination of the residue of agricultural chemicals.

***analyst*** means an analyst appointed under this Act.

## Schedule (continued)

**approved form** means a form approved by the chief executive.

**board** means the Agricultural Chemicals Distribution Control Board.

**chairperson** means chairperson of the board.

**chemical product** see the Agvet Code, section 3.

**Civil Aviation Orders** means orders in force under the *Civil Aviation Act 1988* (Cwlth).

**Civil Aviation Regulations** means the regulations in force under the *Civil Aviation Act 1988* (Cwlth).

**crop** includes standing cultivated plants, trees or pastures, and also includes any vegetable growth prescribed to be a crop for the purposes of this Act.

**decision maker** means—

- (a) for a decision made by the board—the board; or
- (b) for a decision made by the chief executive—the chief executive.

**deputy chairperson** means deputy chairperson of the board.

**deputy standards officer** means a deputy standards officer appointed under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

**distinguishing number**, for a chemical product, means a number, together with 1 or more letters or symbols, given to the product on its registration by the NRA.

**distribution contractor** means an aerial distribution contractor or ground distribution contractor.

**executive officer** of a corporation means a person who is—

- (a) a member of the governing body of the corporation; or
- (b) concerned with, or takes part in, the corporation's management;

whatever the person's position is called and whether or not the person is a director of the corporation.

## Schedule (continued)

**ground distribution** means the spraying, spreading or dispersing of any herbicides or any preparation containing any herbicide from ground equipment.

**ground distribution contractor** means a person who carries on the business of ground distribution or at whose direction or on whose authority, ground equipment is used to carry out ground distribution.

**ground equipment** means any machine or apparatus of any kind whatsoever other than an aircraft in flight used or intended to be used or capable of being used for the distribution of any herbicide, and includes any machine or apparatus prescribed to be ground equipment for the purposes of this Act, but does not include any machine or apparatus prescribed not to be ground equipment for the purposes of this Act.

**hazardous area** means an area declared under the regulations to be a hazardous area.

**herbicide** means—

- (a) a material used, or intended for use, for destroying, or preventing the spread of, plants; or
- (b) another material prescribed by regulation to be a herbicide;

but does not include a material used, or intended for use, for destroying, or preventing the spread of, plants if the material is declared by regulation to be a material to which this Act does not apply.

**information notice**, for a decision of the chief executive or board under this Act, means a notice stating—

- (a) the decision; and
- (b) the reasons for the decision; and
- (c) that the person given the notice may appeal against the decision within 28 days after the notice is given; and
- (d) how the person may appeal.



## Schedule (continued)

***inspector*** means an inspector appointed under this Act, and includes the standards officer and a deputy standards officer.

***licence*** means any licence issued under this Act and in force at any material time.

***licensed commercial operator*** means a person who holds a commercial operator's licence issued under this Act and in force at any material time.

***licensee*** means any person holding a licence issued under this Act.

***material*** means any article, material, or substance, natural or prepared, including any mixture or compound or derivative of a material, and includes any agricultural chemical or portion thereof and any material used or intended as an agricultural chemical or which enters into or is used in the composition or preparation of any agricultural chemical or any such material.

***member*** means a member of the board.

***NRA*** see the Agvet Code, section 3.

***obstruct*** includes hinder, resist and attempt to obstruct.

***occupier*** means the person in actual occupation of any land or if there is no person in actual occupation the person entitled to possession of the land.

***officer*** means—

- (a) the standards officer or a deputy standards officer; or
- (b) an inspector; or
- (c) an analyst; or
- (d) another officer appointed under this Act; or
- (e) a member of the board.

***owner*** means—

- (a) for aircraft or ground equipment subject to a bill of sale—the grantor of the bill of sale within the meaning of the *Bills of Sale and Other Instruments Act 1955*; or

## Schedule (continued)

- (b) for aircraft or equipment subject to a lease—the lessee; or
- (c) for land—the person (other than the State) who—
  - (i) is entitled to receive rent for the land; or
  - (ii) would be entitled to receive rent for the land if it were leased at a rack-rent;<sup>1</sup>

and, for land, includes a lessee or sublessee of land held from the State and the holder of a licence or permission to occupy from the State.

***pest management qualification*** see the *Pest Management Act 2001*, schedule 3.

***pest management technician*** see the *Pest Management Act 2001*, schedule 3.

***pilot chemical rating licence*** means a pilot chemical rating licence issued under this Act.

***pilot in command*** means the pilot responsible for the operation and safety of an aircraft from the moment at which the aircraft moves under its own power for the purpose of taking off until the moment at which it comes to rest after being airborne.

***relative*** means any of the following—

- (a) spouse;
- (b) son or daughter;
- (c) father;
- (d) mother;
- (e) brother or sister;
- (f) grandparent;
- (g) grandchild.

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<sup>1</sup> Rack-rent of land is a rent for the land that is the highest possible rent for the land. It implies that the land is leased commercially.

## Schedule (continued)

***representative***, of a person, means—

- (a) if the person is a corporation—an executive officer, employee or agent of the corporation; or
- (b) if the person is an individual—an employee or agent of the individual.

***standards officer*** means the standards officer appointed under the *Chemical Usage (Agricultural and Veterinary) Control Act 1988*.

***stock*** means any horse, mule, ass, cattle, camel, buffalo, deer, sheep, goat, pig, dog, cat, domestic fowl, turkey, duck, goose, rabbit, pigeon, bee and any other animal or bird in captivity.

## Endnotes

### 1 Index to endnotes

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### 2 Date to which amendments incorporated

This is the reprint date mentioned in the Reprints Act 1992, section 5(c). Accordingly, this reprint includes all amendments that commenced operation on or before 14 December 2003. Future amendments of the Agricultural Chemicals Distribution Control Act 1966 may be made in accordance with this reprint under the Reprints Act 1992, section 49.

### 3 Key

#### Key to abbreviations in list of legislation and annotations

Key	Explanation	Key	Explanation
AIA	= Acts Interpretation Act 1954	(prev)	= previously
amd	= amended	proc	= proclamation
amdt	= amendment	prov	= provision
ch	= chapter	pt	= part
def	= definition	pubd	= published
div	= division	R[X]	= Reprint No.[X]
exp	= expires/expired	RA	= Reprints Act 1992
gaz	= gazette	reloc	= relocated
hdg	= heading	renum	= renumbered
ins	= inserted	rep	= repealed
lap	= lapsed	(retro)	= retrospectively
notfd	= notified	rv	= revised edition
o in c	= order in council	s	= section
om	= omitted	sch	= schedule
orig	= original	sdiv	= subdivision
p	= page	SIA	= Statutory Instruments Act 1992
para	= paragraph	SIR	= Statutory Instruments Regulation 2002
prec	= preceding	SL	= subordinate legislation
pres	= present	sub	= substituted
prev	= previous	unnum	= unnumbered

### 4 Table of reprints

Reprints are issued for both future and past effective dates. For the most up-to-date table of reprints, see the reprint with the latest effective date.

If a reprint number includes a letter of the alphabet, the reprint was released in unauthorised, electronic form only.

Reprint No.	Amendments to	Effective	Reprint date
1	1994 Act No. 78	15 March 1995	21 March 1995
1A	1996 Act No. 13	23 May 1996	9 July 1996
1B	1999 Act No. 19	30 April 1999	17 May 1999
1C	2000 Act No. 5	23 March 2000	30 March 2000
2	2000 Act No. 20	1 July 2000	30 August 2000

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Reprint No.	Amendments included	Effective	Notes
2A	2002 Act No. 74	1 April 2003	
2B	2002 Act No. 76	14 December 2003	

## 5 Tables in earlier reprints

Name of table	Reprint No.
Changed names and titles	1
Obsolete and redundant provisions	1
Renumbered provisions	1

## 6 List of legislation

### **Agricultural Chemicals Distribution Control Act 1966 No. 27**

date of assent 21 December 1966

pts 3 and 4 commenced 1 July 1971 (proc pubd gaz 19 June 1971 p 1115)

for commencement of pts 5–6 see s 2(2)

remaining provisions commenced on date of assent

amending legislation—

### **Agricultural Chemicals Distribution Control Act Amendment Act 1968 No. 38**

date of assent 11 December 1968

commenced on date of assent

### **Agricultural Chemicals Distribution Control Act Amendment Act 1970 No. 18**

date of assent 16 April 1970

commenced on date of assent

### **Metric Conversion Act 1972 No. 31 pt 2 sch 1**

date of assent 21 December 1972

commenced 23 July 1973 (proc pubd gaz 21 July 1973 p 2150)

### **Agricultural Chemicals Distribution Control Act Amendment Act 1978 No. 68**

date of assent 28 November 1978

commenced on date of assent

### **Agricultural Chemicals Distribution Control Act Amendment Act 1983 No. 1**

date of assent 10 March 1983

ss 1–2 commenced on date of assent

remaining provisions commenced 1 July 1984 (proc pubd gaz 5 May 1984 p 156)

### **Agricultural and Veterinary Chemicals (Queensland) Act 1994 No. 78 ss 1–2, 37 sch**

date of assent 1 December 1994

ss 1–2 commenced on date of assent

remaining provisions commenced 15 March 1995 (1995 SL No. 51)

### **Statute Law Revision Act 1995 No. 57 ss 1–2, 4 sch 1**

date of assent 28 November 1995

commenced on date of assent

### **Primary Industries Legislation Amendment Act 1996 No. 13 pts 1–2**

date of assent 23 May 1996

commenced on date of assent

**Statute Law (Miscellaneous Provisions) Act 1999 No. 19 ss 1–3 sch**

date of assent 30 April 1999  
commenced on date of assent

**Police Powers and Responsibilities Act 2000 No. 5 ss 1–2(1)–(2), 373 sch 2**

date of assent 23 March 2000  
commenced on date of assent (see s 2(1)–(2))

**GST and Related Matters Act 2000 No. 20 ss 1, 2(4), 29 sch 3**

date of assent 23 June 2000  
ss 1–2 commenced on date of assent  
remaining provisions commenced 1 July 2000 (see s 2(4))

**Discrimination Law Amendment Act 2002 No. 74 ss 1–2, 90 sch**

date of assent 13 December 2002  
ss 1–2 commenced on date of assent  
s 90 commenced 31 March 2003 (2003 SL No. 51)  
remaining provisions commenced 1 April 2003 (2003 SL No. 51)

**Agricultural and Veterinary Chemicals Legislation Amendment Act 2002 No. 76  
pts 1–2, s 33 sch 2**

date of assent 13 December 2002  
ss 1–2 commenced on date of assent  
remaining provisions commenced on 14 December 2003 (automatic commencement  
under AIA s 15DA(2))

## 7 List of annotations

**Application of Act**

s 3 sub 1994 No. 78 s 37 sch

**Division of Act**

s 5 om R1 (see RA s 36)

**Definitions**

prov hdg sub 1994 No. 78 s 37 sch

s 6 **Note**—prev s 6 contained definitions for this Act. Definitions are now  
located in the schedule—Dictionary.  
prev s 6 amd 1968 No. 38 s 2(b); 1978 No. 68 s 2; 1994 No. 78 s 37 sch; 2002  
No. 76 s 4

**Words and expressions used in Agvet Code and this Act**

s 6A ins 1994 No. 78 s 37 sch  
amd 2002 No. 76 s 5

**Reference to loss or damage**

s 6B ins 1994 No. 78 s 37 sch

**Appointment of inspectors and analysts**

s 7 sub 1994 No. 78 s 37 sch  
amd 1996 No. 13 s 4

**Limitation of inspector's powers**

s 7A ins 1983 No. 1 s 5  
sub 1994 No. 78 s 37 sch

**Inspector's identity card**

s 7B ins 1994 No. 78 s 37 sch

**Production or display of inspector's identity card**

s 7C ins 1994 No. 78 s 37 sch

**Agricultural Chemicals Distribution Control Board**

s 8 sub 1994 No. 78 s 37 sch  
(8)–(9) exp 15 June 1995 (see s 8(9))

**Time and place of meetings**

s 9 sub 1994 No. 78 s 37 sch

**Procedures for conduct of proceedings**

s 9A ins 1994 No. 78 s 37 sch

**Disclosure of interests**

s 9B ins 1994 No. 78 s 37 sch

**Minutes**

s 9C ins 1994 No. 78 s 37 sch

**Advisory committees**

s 10 prov hdg sub 1983 No. 1 s 6

**Executive committees**

s 10A ins 1983 No. 1 s 7

**Delegations by board**

s 10B ins 1983 No. 1 s 7  
sub 1994 No. 78 s 37 sch

**Secretary**

s 11 om 1994 No. 78 s 37 sch

**Pilot chemical rating licence**

s 12 amd 1994 No. 78 s 37 sch; 2002 No. 76 s 33 sch 2

**Certificate issued in another State**

s 14 amd 1983 No. 1 s 8

**Aerial distribution contractor licence**

s 15 sub 1983 No. 1 s 9  
amd 1994 No. 78 s 37 sch; 2002 No. 76 s 33 sch 2

**Commercial operators' licence**

s 16 amd 1970 No. 18 s 2; 2002 No. 76 s 33 sch 2

**When pest management technician is taken to hold commercial operator's licence**

s 16A ins 2002 No. 76 s 6

**Ground distribution contractor licence**

s 16B ins 2002 No. 76 s 6



**Application for licences**

- s 17      amd 1983 No. 1 s 10  
           sub 1994 No. 78 s 37 sch  
           amd 2002 No. 76 s 7

**Term of licence**

- s 18      amd 1983 No. 1 s 11  
           sub 2002 No. 76 s 8

**Renewal of licence**

- s 19      amd 1983 No. 1 s 12; 1994 No. 78 s 37 sch  
           sub 2002 No. 76 s 8

**Expiring licence continues in force**

- s 19A     ins 2002 No. 76 s 8

**Notice of change in circumstances**

- s 19B     ins 2002 No. 76 s 8

**Cancellation or suspension of licence**

- s 21      amd 1983 No. 1 s 13; 1994 No. 78 s 37 sch; 2002 No. 76 s 9

**Right of appeal to Magistrates Court**

- s 22      sub 1994 No. 78 s 37 sch

**How to start appeal**

- s 22A     ins 1994 No. 78 s 37 sch

**Stay of operation of decisions**

- s 22B     ins 1994 No. 78 s 37 sch

**Hearing procedures**

- s 22C     ins 1994 No. 78 s 37 sch  
           amd 1995 No. 57 s 4 sch 1

**Powers of court on appeal**

- s 22D     ins 1994 No. 78 s 37 sch

**Appeal to District Court**

- s 22E     ins 1994 No. 78 s 37 sch  
           amd 1999 No. 19 s 3 sch

**Effect of suspension**

- s 23      amd 1994 No. 78 s 37 sch

**Register**

- s 24      amd 1983 No. 1 s 14

**Security against loss occasioned by aerial distribution and certain ground distribution**

- s 25      amd 1968 No. 38 s 3  
           sub 1970 No. 18 s 3  
           amd 1994 No. 78 s 37 sch; 2000 No. 20 s 29 sch 3  
           om 2002 No. 76 s 10

**Records to be kept**

**s 26** amd 1968 No. 38 s 4; 1972 No. 31 s 6 sch 1; 1978 No. 68 s 3; 1983 No. 1 s 15;  
1994 No. 78 s 37 sch; 2002 No. 76 s 11

**Production of distribution records**

**s 27** amd 1978 No. 68 s 4; 1983 No. 1 s 16  
sub 1994 No. 78 s 37 sch

**Hazardous areas**

**s 28** sub 1994 No. 78 s 37 sch

**Carrying out of distributions in hazardous areas**

**s 29** amd 1983 No. 1 s 17  
sub 1994 No. 78 s 37 sch

**Notice of damage by agricultural chemicals**

**s 30** amd 1978 No. 68 s 5; 1994 No. 78 s 37 sch

**Effect of failure to give notice**

**s 31** sub 1994 No. 78 s 37 sch

**Powers of inspection in case of damage to crops etc.**

**s 32** amd 1978 No. 68 s 6; 1983 No. 1 s 18; 1994 No. 78 s 37 sch

**Board to make statement on damage**

**s 33** amd 1978 No. 68 s 7; 1994 No. 78 s 37 sch

**Powers of inspectors**

**prov hdg** amd 1994 No. 78 s 37 sch  
**s 34** amd 1978 No. 68 s 8; 1994 No. 78 s 37 sch; 2000 No. 5 s 373 sch 2

**Offence to use agricultural chemicals not registered**

**s 35** amd 1978 No. 68 s 9  
om 1994 No. 78 s 37 sch

**Faulty or defective equipment**

**s 36** amd 1978 No. 68 s 10; 1983 No. 1 s 19; 1994 No. 78 s 37 sch; 2002 No. 76  
s 12

**Aerial distribution with registered equipment only and in compliance with s. 25**

**s 37** sub 1970 No. 18 s 4  
om 1983 No. 1 s 20

**Aerial and ground distribution with approved equipment only and in compliance with s 25**

**prov hdg** amd 1983 No. 1 s 21(a)  
**s 38** sub 1970 No. 18 s 5  
amd 1983 No. 1 s 21(b)–(e); 1994 No. 78 s 37 sch  
om 2002 No. 76 s 13

**Aerial or ground distribution by or under supervision of licensed persons**

**s 39** sub 1970 No. 18 s 6; 1983 No. 1 s 22  
amd 1994 No. 78 s 37 sch; 2002 No. 76 s 14

**Obstructing inspection etc.**

**s 40** amd 1978 No. 68 s 11; 1983 No. 1 s 23; 1994 No. 78 s 37 sch

**General penalty provision**

**s 41** amd 1983 No. 1 s 24  
om 1994 No. 78 s 37 sch

**Prosecutions generally**

**s 42** sub 1994 No. 78 s 37 sch  
amd 2002 No. 76 sch 2

**Responsibility for acts or omissions of representatives**

**s 43** sub 1994 No. 78 s 37 sch

**Executive officers must ensure corporation complies with Act**

**s 44** sub 1994 No. 78 s 37 sch

**Protection from liability**

**s 44A** ins 1994 No. 78 s 37 sch

**Chief executive may approve forms**

**s 46** amd 1983 No. 1 s 25  
sub 1994 No. 78 s 37 sch

**Publication of orders in council and regulations**

**s 47** om 1994 No. 78 s 37 sch

**Regulation-making power**

**prov hdg** sub 2002 No. 76 s 15(1)  
**s 48** amd 1970 No. 18 s 7; 1983 No. 1 s 26  
sub 1994 No. 78 s 37 sch  
amd 2002 No. 76 s 15(2)

**SCHEDULE—DEFINITIONS**

**sch hdg** **Note**—definitions for this Act were originally located in prev s 6  
ins 2002 No. 76 s 16  
def “**Active constituent**” om from prev s 6 1994 No. 78 s 37 sch  
def “**aerial distribution**” amd 1968 No. 38 s 2(a)(i)  
reloc 2002 No. 76 s 4(4)  
def “**aerial distribution contractor**” ins 1983 No. 1 s 4(a)  
reloc 2002 No. 76 s 4(4)  
def “**aerial equipment**” reloc 2002 No. 75 s 4(4)  
def “**agricultural chemical**” sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)  
def “**agricultural chemical product**” ins 1994 No. 78 s 37 sch  
sub 2002 No. 76 s 4(2)–(3)  
reloc 2002 No. 76 s 4(4)  
def “**Agvet Code**” ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)  
def “**Air Navigation regulations**” om from prev s 6 1994 No. 78 s 37 sch  
def “**aircraft**” reloc 2002 No. 75 s 4(4)  
def “**analysis**” reloc 2002 No. 75 s 4(4)  
def “**analyst**” sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)  
def “**approved form**” ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)

- def **“board”** sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“chairperson”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“chemical product”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“Civil Aviation Orders”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“Civil Aviation Regulations”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“crop”** reloc 2002 No. 75 s 4(4)
- def **“decision maker”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“deputy chairperson”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“deputy standards officer”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“distinguishing number”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“distribution contractor”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“executive officer”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“ground distribution”** reloc 2002 No. 75 s 4(4)
- def **“ground distribution contractor”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“ground equipment”** reloc 2002 No. 75 s 4(4)
- def **“hazardous area”** sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“herbicide”** sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“information notice”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“inspector”** sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“licence”** reloc 2002 No. 75 s 4(4)
- def **“licensed commercial operator”** reloc 2002 No. 75 s 4(4)
- def **“licensee”** reloc 2002 No. 75 s 4(4)
- def **“material”** reloc 2002 No. 75 s 4(4)
- def **“member”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“Minister”** om from prev s 6 1994 No. 78 s 37 sch
- def **“NRA”** ins 2002 No. 76 s 4(3)  
reloc 2002 No. 75 s 4(4)
- def **“obstruct”** ins 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)
- def **“occupier”** reloc 2002 No. 75 s 4(4)
- def **“officer”** amd 1983 No. 1 s 4(b)  
sub 1994 No. 78 s 37 sch  
reloc 2002 No. 76 s 4(4)

- def “**owner**” amd 1968 No. 38 s 2(a)(ii)  
 sub 1994 No. 78 s 37 sch  
 reloc 2002 No. 76 s 4(4)
- def “**Part**” om from prev s 6 1994 No. 78 s 37 sch
- def “**pest management technician**” ins 2002 No. 76 s 4(3)  
 reloc 2002 No. 76 s 4(4)
- def “**pest management qualification**” ins 2002 No. 76 s 4(3)  
 reloc 2002 No. 76 s 4(4)
- def “**pilot chemical rating licence**” reloc 2002 No. 75 s 4(4)
- def “**pilot in command**” reloc 2002 No. 75 s 4(4)
- def “**Registered name**” om from prev s 6 1994 No. 78 s 37 sch
- def “**relative**” amd 2002 No. 74 s 90 sch  
 reloc 2002 No. 76 s 4(4)
- def “**representative**” ins 1994 No. 78 s 37 sch  
 reloc 2002 No. 76 s 4(4)
- def “**standards officer**” sub 1983 No. 1 s 4(c); 1994 No. 78 s 37 sch  
 reloc 2002 No. 76 s 4(4)
- def “**stock**” sub 1983 No. 1 s 4(c)  
 reloc 2002 No. 76 s 4(4)
- def “**Under Secretary**” om from prev s 6 1994 No. 78 s 37 sch

## **8 List of forms notified or published in the gazette**

(The following information about forms is taken from the gazette. Because failure to notify or publish a form in the gazette does not invalidate the form, it may be necessary to check with the relevant government department for the latest information about forms (see SIA s 58(8)).)

### **Form 1—Application for Examination to Qualify for a Pilot Chemical Rating Licence**

pubd gaz 23 February 1996 p 857

### **Form 2—Application for the Issue of a Pilot Chemical Rating Licence**

pubd gaz 23 February 1996 p 857

### **Form 3—Application for Renewal of a Pilot Chemical Rating Licence**

pubd gaz 23 February 1996 p 857

### **Form 4—Pilot Chemical Rating Licence**

pubd gaz 23 February 1996 p 857

### **Form 5—Renewal of Pilot Chemical Rating Licence**

pubd gaz 23 February 1996 p 857

### **Form 6—Application for the Issue of an Aerial Distribution Contractor Licence**

pubd gaz 23 February 1996 p 857

### **Form 7—Application for Renewal of an Aerial Distribution Contractor Licence**

pubd gaz 23 February 1996 p 857

**Form 8—Aerial Distribution Contractor Licence**

pubd gaz 23 February 1996 p 857

**Form 9—Renewal of Aerial Distribution Contractor Licence**

pubd gaz 23 February 1996 p 857

**Form 10—Notification of Change to Particulars in Aerial Distribution Contractor Licence**

pubd gaz 23 February 1996 p 857

**Form 11—Application for Examination to Qualify for a Commercial Operator's Licence**

pubd gaz 23 February 1996 p 857

**Form 12—Application for the Issue of a Commercial Operator's Licence**

pubd gaz 23 February 1996 p 857

**Form 13—Application for Renewal of Commercial Operator's Licence**

pubd gaz 23 February 1996 p 857

**Form 14—Commercial Operator's Licence**

pubd gaz 23 February 1996 p 857

**Form 15—Renewal of a Commercial Operator's Licence**

pubd gaz 23 February 1996 p 857

**Form 16—Notification of Complaint on damages to crops or injury to stock**

pubd gaz 23 February 1996 p 857

**Form 17—Application for Permit to carry out in Hazardous Area 1 or 2 Aerial/Ground Distribution of Prescribed Agricultural Chemicals**

pubd gaz 23 February 1996 p 857

**Form 18—Permission to Carry out Distribution of Chemicals in a Hazardous area**

pubd gaz 23 February 1996 p 857