

Queensland



ANNO SEPTIMO DECIMO

ELIZABETHAE SECUNDAE REGINAE

No. 38 of 1968

An Act to Amend The Agricultural Chemicals Distribution Control Act of 1966

[ASSENTED TO 11TH DECEMBER, 1968]

BE IT ENACTED by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Assembly of Queensland in Parliament assembled, and by the authority of the same, as follows:—

1. (1) **Short title.** This Act may be cited as the *Agricultural Chemicals Distribution Control Act Amendment Act 1968*.

(2) **Principal Act.** *The Agricultural Chemicals Distribution Control Act of 1966* is in this Act referred to as the Principal Act.

(3) **Collective title.** The Principal Act as amended by this Act may be collectively cited as the *Agricultural Chemicals Distribution Control Act 1966–1968*.

2. Amendments of s. 6. Section 6 of the Principal Act is amended by—

(a) in subsection (1)—

(i) inserting after the word “dispersing” in the definition “Aerial distribution” the words “whether intended or not”;

(ii) adding to paragraph (a) of the definition “Owner” the following subparagraph—

“(iii) the subject of a lease, the lessee of that aircraft or as the case may be, ground equipment.”;

(b) adding the following subsection—

“(4) Where in this Act reference is made to loss, damage, injury or injurious affection by aerial or ground distribution or by the distribution of agricultural chemicals by aerial or ground distribution, such reference shall include loss, damage, injury or injurious affection by the drift of any agricultural chemical used in such a distribution.”.

3. Amendments of s. 25. Section 25 of the Principal Act is amended by—

(a) omitting from subsection (1) the words “and shall, before such distribution is commenced, satisfy the standards officer of the existence of such policy”;

(b) omitting subsection (2) and inserting in its stead the following subsections—

“(2) A policy of insurance required by subsection (1) of this section shall—

(a) be approved by the standards officer;

(b) indemnify the owner and any other person who during the currency of the insurance policy uses the aircraft or ground equipment for the purpose of aerial distribution or, as the case may be, ground distribution jointly and each of them severally against any liability in respect of loss, damage or injury by the carrying out of aerial distribution or ground distribution;

(c) in the case of aerial distribution—

(i) be for an amount of thirty thousand dollars at the least in respect of each aircraft to be used in the aerial distribution;

(ii) indemnify against such loss damage or injury at any place in the Commonwealth;

(iii) be lodged with the standards officer unless the standards officer is satisfied that it is lodged elsewhere in the Commonwealth with a person approved by him;

(d) in the case of ground distribution—

(i) be for such amount as is prescribed;

(ii) be lodged with the standards officer.

(3) Each policy of insurance required by subsection (1) of this section shall be charged with all amounts in the aggregate up to the insured amount which any person carrying out aerial distribution or, as the case may be, ground distribution is liable

to pay in respect of the loss, damage or injury referred to in subsection (2) of this section arising in the case of aerial distribution out of any one flight of an aircraft or, in the case of ground distribution, out of any one ground distribution.

(4) A policy of insurance complies with subsection (2) of this section notwithstanding that it excludes indemnity in respect of loss, damage or injury by the person at whose request the aerial distribution or, as the case may be, ground distribution was carried out.”.

(c) renumbering subsection (3) as subsection (5).

4. Amendment of s. 26 (1). Section 26 of the Principal Act is amended by adding the following paragraphs in subsection (1)—

“ Where the aerial or ground distribution in question was not actually carried out by the owner of the aircraft or, as the case may be, ground equipment, the obligation to make or cause to be made a record of such particulars shall be undertaken by the person actually carrying out the distribution, who shall forthwith deliver such particulars to the owner of the aircraft or, as the case may be, ground equipment.

Such owner shall keep or cause to be kept such record for a period of two years after such distribution.”.