



ANNO NONODECIMO

ELIZABETHAE SECUNDAE REGINAE

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No. 18 of 1970

**An Act to Amend the Agricultural Chemicals Distribution  
Control Act 1966-1968 in certain particulars**

[ASSENTED TO 16TH APRIL, 1970]

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. Short title and citation.** (1) This Act may be cited as the *Agricultural Chemicals Distribution Control Act Amendment Act 1970*.

(2) The *Agricultural Chemicals Distribution Control Act 1966-1968* is in this Act referred to as the Principal Act.

(3) The Principal Act as amended by this Act may be cited as the *Agricultural Chemicals Distribution Control Act 1966-1970*.

**2. Amendments to s. 16.** Section 16 of the Principal Act is amended by—

(a) in subsection (1), adding the words “ of all or any of the classes thereof prescribed ”;

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

“(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.”.

**3. Repeal of and new s. 25.** The Principal Act is amended by repealing section 25 and inserting in its stead the following section:—

“**25. Security against loss occasioned by aerial distribution and certain ground distribution.** (1) Before the commencement of any aerial distribution the owner of the aircraft from which the distribution is to be carried out shall in respect of that aircraft—

(a) lodge with the standards officer; or

(b) satisfy the standards officer that there is lodged in a State (other than Queensland) or Territory of the Commonwealth with a person acceptable to the standards officer (in this section called “an acceptable person”),

security as prescribed.

(2) Before the commencement of any ground distribution to which this subsection applies the owner of the ground equipment from which the distribution is to be carried out shall lodge with the standards officer security as prescribed.

(3) The security required by subsection (1) or (2) of this section shall be by way of a contract of insurance—

(a) for an amount of thirty thousand dollars at the least in the case of aerial distribution; or

(b) for an amount to be prescribed at the least in the case of ground distribution,

that indemnifies the owner to the extent approved by the standards officer or, as the case may be, an acceptable person against liability up to the insured amount in the aggregate of the owner in respect of loss of or damage to the property (including livestock) of any other person caused by any agricultural chemical—

(c) released from the aircraft in respect of which the contract exists; or

(d) released from the ground equipment in the conduct of the business in respect of which the contract exists,

whether in the course of the distribution or by spray-drift.

(4) The contract of insurance—

(a) in the case of aerial distribution, shall cover such distribution carried out in all parts of the Commonwealth;

(b) shall be issued by an approved company;

(c) may contain such conditions, warranties and exclusions as are approved by the standards officer or, as the case may be, by an acceptable person.

(5) In subsection (4) of this section the expression “approved company” means a company approved by the standards officer or, as the case may be, by an acceptable person and includes a company so approved which is acting for or on behalf of a pool of companies notwithstanding that all or any of the companies in that pool are not so approved.

(6) Subsection (2) of this section applies to all ground distribution other than that to be carried out by the operator of the ground equipment on land owned or occupied by—

- (a) himself; or
- (b) a relative of his; or
- (c) his employer who is primarily engaged in pastoral or agricultural pursuits and to whom he is bound by a contract of service which is primarily for work other than the carrying out of the ground distribution in question.

(7) In this section the term “owner” does not include the Crown.”.

**4. Repeal of and new s. 37.** The Principal Act is amended by repealing section 37 and inserting in its stead the following section:—

“**37. Aerial distribution with registered equipment only and in compliance with s. 25.** A person shall not operate or permit another person to operate an aircraft for the purpose of carrying out aerial distribution unless—

- (a) the aerial equipment of that aircraft is registered under this Act; and
- (b) where the provisions of section 25 of this Act apply,
  - (i) those provisions have been complied with; and
  - (ii) the security thereby required subsists in respect of that aircraft.”.

**5. Repeal of and new s. 38.** The Principal Act is amended by repealing section 38 and inserting in its stead the following section:—

“**38. Ground distribution with approved equipment only and in compliance with s. 25.** A person shall not operate or permit another person to operate ground equipment for the purpose of ground distribution unless—

- (a) that equipment is of a type or kind approved under this Act for use in ground distribution;
- (b) where the provisions of section 25 of this Act apply,
  - (i) those provisions have been complied with; and
  - (ii) the security thereby required subsists in respect of the business of ground distribution in question.”.

**6. Repeal of and new s. 39.** The Principal Act is amended by repealing section 39 and inserting in its stead the following section:—

“**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.

(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) is a licensed commercial operator authorized by his licence to undertake such distribution; or
- (b) operates the equipment under the supervision of a licensed commercial operator authorized by his licence to undertake such distribution who is present during the whole of such distribution.

(3) It is a defence to a charge of an offence against subsection (2) of this section that the operator of the ground equipment was using the equipment at the material time on land owned or occupied by—

(a) himself; or

(b) a relative of his; or

(c) his employer who is primarily engaged in pastoral or agricultural pursuits and to whom he is bound by a contract of service which is primarily for work other than the carrying out of the ground distribution in question.”.

**7. Amendment to s. 48.** Section 48 of the Principal Act is amended by, in subsection (3), omitting paragraph (i) and inserting in its stead the following paragraph:—

“(i) classes of licences, the qualifications required to hold licences generally or a licence of a particular class, the terms and conditions subject to which licences generally or a licence of a particular class may be obtained and shall be held, the authority conferred by licences generally or a licence of a particular class upon the licensee;”.