

Queensland



ANNO TRICESIMO SECUNDO

ELIZABETHAE SECUNDAE REGINAE

No. 1 of 1983

**An Act to amend the Agricultural Chemicals Distribution
Control Act 1966–1978 in certain particulars**

[ASSENTED TO 10TH MARCH, 1983]

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. This Act may be cited as the *Agricultural Chemicals Distribution Control Act Amendment Act 1983*.

2. Commencement. (1) Section 1 and this section shall commence on the day on which this Act is assented to for and on behalf of Her Majesty.

(2) The Governor may by Proclamation—

(a) appoint a date on which this Act (other than section 1 and this section) shall commence; or

(b) appoint dates on which the provisions (other than section 1 and this section) of this Act specified in the Proclamation shall commence.

Such dates may be appointed in the one Proclamation or in different Proclamations.

This Act (other than section 1 and this section) or a provision thereof specified in the Proclamation shall commence on the date appointed by Proclamation made under this subsection for the commencement of this Act or, as the case may be, that provision.

3. Principal Act and citation as amended. (1) In this Act the *Agricultural Chemicals Distribution Control Act 1966–1978* is referred to as the Principal Act.

(2) The Principal Act as amended by this Act may be cited as the *Agricultural Chemicals Distribution Control Act 1966–1983*.

4. Amendment of s. 6. Meaning of terms. Section 6 of the Principal Act is amended by, in subsection (1)—

(a) inserting after the definition “Aerial distribution” the following definition:—

““Aerial distribution contractor”—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;”;

(b) in the definition “Officer”, omitting the words “or the” where firstly occurring and substituting the words “, the deputy standards officer, any”;

(c) omitting the definitions “Standards officer” and “Stock” and substituting the following definitions:—

““Standards officer”—The standards officer or deputy standards officer appointed under the *Agricultural Standards Act 1952–1981*: The term includes any assistant standards officer in respect of the powers, functions, authorities and duties delegated to him under this Act by the standards officer;

“Stock”—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;”.

5. **New s. 7A. Functions of deputy standards officer.** The Principal Act is amended by inserting after section 7 the following section:—

“7A. **Functions of deputy standards officer.** The deputy standards officer shall have all the powers, functions, authorities and duties under this Act of the standards officer other than the power of delegation conferred by the provisions of section 10B.”.

6. **Amendment of note to s. 10. Committees.** The Principal Act is amended by omitting the note appearing in and at the beginning of section 10 and substituting the note “**Advisory committees.**”.

7. **New ss. 10A and 10B.** The Principal Act is amended by inserting after section 10 the following sections:—

“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 chairman of the committee shall be appointed by the Board.

(3) A committee appointed under subsection (1) may co-opt such officers in an advisory capacity as it thinks fit.

10B. **Delegation by Board and standards officer.** (1) The Board may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under the hand of the chairman, delegate to the standards officer or an executive committee appointed under section 10A all or any of its powers, functions, authorities and duties under this Act except this power of delegation.

(2) The standards officer may, either generally or otherwise as provided by the instrument of delegation, by instrument in writing under his hand, delegate to one or more than one assistant standards officer all or any of his powers, functions, authorities and duties under this Act except this power of delegation.

(3) A power, authority, function or duty delegated under this section, if exercised or performed by the delegate, shall be exercised or performed in accordance with the instrument of delegation.

(4) A delegation may be made subject to such terms or limitations as the Board or, as the case may be, standards officer thinks fit including a requirement that the secretary of the executive committee or, as the case may be, the delegate shall report to the Board or, as the case may be, the standards officer upon the exercise or performance of the delegated power, function, authority or duty.

(5) The Board or, as the case may be, standards officer may make such and so many delegations of the same power, function, authority or duty and to such number of executive committees or, as the case may be, assistant standards officers as it or he considers necessary or desirable.

(6) A delegation is in like manner revocable at the will of the Board or, as the case may be, standards officer and does not prevent the exercise of the power or authority or the performance of a function or duty by it or him.”.

8. Amendment of s. 14. Certificate issued in another state. Section 14 of the Principal Act is amended by—

(a) in subsection (1), omitting the words “ Subject to subsection (2) of this section, for ” and substituting the word “ For ”;

(b) omitting subsection (2).

9. Repeal of and new s. 15. Registration of aerial equipment. The Principal Act is amended by repealing section 15 and substituting the following section:—

“ **15. Aerial distribution contractor licence.** (1) Subject to this Act the Board shall have power to grant aerial distribution contractor licences.

(2) A person who does not hold a valid aerial work licence, endorsed to conduct agricultural operations, issued under the Air Navigation regulations and in force at the material time shall not be entitled to apply for or to hold an aerial distribution contractor licence.

(3) A person who desires to obtain an aerial distribution contractor licence and who is entitled to apply for such a licence shall lodge an application with the Board.”.

10. Amendment of s. 17. Application for licences. Section 17 of the Principal Act is amended by in subparagraph (c) of subsection (1), inserting after the word “ fee ” the words “, if any ”.

11. Amendment of s. 18. Tenure of licence. Section 18 of the Principal Act is amended by omitting the second paragraph and substituting the following paragraph:—

“ Every licence granted in the first instance pursuant to this Act and every licence renewed in accordance with this Act shall (unless sooner cancelled) expire on 30 June next following the date of issue or, as the case may be, date of renewal.”.

12. Amendment of s. 19. Renewal of licence. Section 19 of the Principal Act is amended by omitting the first paragraph and substituting the following paragraph:—

“ Every licensee who desires to obtain a renewal of his licence shall, not later than 31 May in each year, lodge with the Board an application in the prescribed form accompanied by the prescribed fee, if any (which shall be refunded if renewal is refused).”.

13. Amendment of s. 21. Cancellation or suspension of licence. Section 21 of the Principal Act is amended by, in subsection (1)—

(a) in subparagraph (a), inserting after the word “Act” the words “or regulation O10-01 of the Poisons Regulations of 1973 (as amended from time to time) made under the *Health Act 1937-1982*”;

(b) omitting the word “or” appearing between subparagraphs (c) and (d);

(c) at the end of subparagraph (d) omitting the expression “licence,” and substituting the following expression and subparagraph:—

“licence; or

(da) a licensee who is an aerial distribution contractor has failed to comply with a request made by the standards officer under section 26 (2),”.

14. Amendment of s. 24. Register. Section 24 of the Principal Act is amended by omitting subsection (1) and substituting the following subsection:—

“(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.”.

15. Amendment of s. 26. Records to be kept. Section 26 of the Principal Act is amended by—

(a) in subsection (1), in the first paragraph,

(i) omitting the words “The owner of an aircraft from which aerial distribution is carried out” and substituting the words “Every licensed aerial distribution contractor”;

(ii) omitting the words “a record (in duplicate)” and substituting the words “or cause to be made a record”;

(iii) in subparagraph (a), inserting after the word “command” the words “and the registration mark”;

(iv) at the end of the paragraph, omitting the expression “prescribed.” and substituting the following expression and words:—

“prescribed,

and shall keep such record or cause it to be kept for a period of two years after such distribution.”;

(b) in subsection (1), omitting the second paragraph;

(c) omitting subsections (2) and (2A), and substituting the following subsections:—

“(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 him by the licensed aerial distribution contractor or, as the case may be, the owner of ground equipment.

“(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 and shall be liable to a penalty not exceeding \$1 000.”;

(d) in subsection (3), omitting the words “six hundred dollars” and substituting the expression “\$3 000”.

16. Amendment of s. 27. Record to be produced. Section 27 of the Principal Act is amended by—

(a) in subsection (1),

(i) omitting the words “or duplicate of such record”;

(ii) omitting the words “or duplicate” wherever occurring;

(b) in subsection (2), omitting the word “duplicate” and substituting the word “copy”.

17. Amendment of s. 29. Governor in Council may issue directions in hazardous area. Section 29 of the Principal Act is amended by, in subsection (4), omitting the words “one thousand dollars” and substituting the expression “\$5 000”.

18. Amendment of s. 32. Powers of inspection in case of damage to crops, etc. Section 32 of the Principal Act is amended by, in subsection (2), omitting the words “two hundred dollars” and substituting the expression “\$1 000”.

19. Amendment of s. 36. Faulty or defective equipment. Section 36 of the Principal Act is amended by, in subsection (1) in the first paragraph—

(a) inserting after the words “the owner of that equipment” the words “and, in the case of aerial equipment, to the licensed aerial distribution contractor at whose direction or upon whose authority the aircraft to which the aerial equipment is attached is being used to carry out aerial distribution”;

(b) inserting after the words “and such notice may require the owner” the words “or, as the case may be, the licensed aerial distribution contractor”.

20. Repeal of s. 37. Aerial distribution with registered equipment only and in compliance with s. 25. The Principal Act is amended by repealing section 37.

21. Amendment of s. 38. Ground distribution with approved equipment only and in compliance with s. 25. Section 38 of the Principal Act is amended by—

(a) in the note appearing in and at the beginning of the section, omitting the word “**Ground**” and substituting the words “**Aerial and ground**”;

(b) omitting the words “or permit” and substituting the words “, permit, authorize or direct”;

(c) inserting before the word “ground” where firstly and secondly occurring the words “aerial or” in each case;

(d) in subparagraph (a), omitting the words “for use in ground distribution”;

(e) in subparagraph (b), in provision (ii) omitting the words “in respect of the business of ground distribution in question”.

22. Amendment of s. 39. Aerial or ground distribution by or under supervision of licensed persons. Section 39 of the Principal Act is amended by—

(a) in subsection (1), inserting after the word “licence” the words “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”;

(b) omitting subsection (3) and substituting the following subsection:—

“(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

(ii) a relative of his; or

(iii) his employer who is primarily engaged in pastoral or agricultural pursuits and to whom he 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 crown land, reserve or road within the meaning of the *Land Act 1962–1982* that adjoins land referred to in subparagraph (a) with the permission of the person or authority who holds or controls the crown land, reserve or road.”.

23. Amendment of s. 40. Obstructing inspection, etc. Section 40 of the Principal Act is amended by omitting the words “two hundred dollars” and substituting the expression “\$1 000”.

24. Amendment of s. 41. General penalty provision. Section 41 of the Principal Act is amended by, in subsection (2), omitting the words “two hundred dollars” and substituting the expression “\$1 000”.

25. Amendment of s. 46. Service of request, direction, notice, etc. Section 46 of the Principal Act is amended by in subparagraph (b) of the first paragraph inserting after the words “pilot in command” the words “, licensed aerial distribution contractor”.

26. Amendment of s. 48. Regulations. Section 48 of the Principal Act is amended by, in subsection (3)—

(a) in subparagraph (g), omitting the words “kind of” and substituting the words “kinds of aerial and”;

(b) in subparagraph (n), omitting the words “four hundred dollars” and substituting the expression “\$2 000”.
