

AERIAL SPRAYING CONTROL.

No. 31 of 1968.

AN ACT to amend the Aerial Spraying Control Act, 1966.

[Assented to 4th November, 1968.]

BE it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Legislative Council and the Legislative Assembly of Western Australia, in this present Parliament assembled, and by the authority of the same, as follows:—

1. (1) This Act may be cited as the *Aerial Spraying Control Act Amendment Act, 1968.* Short title and citation.

(2) In this Act the Aerial Spraying Control Act, 1966, is referred to as the principal Act.

(3) The principal Act as amended by this Act may be cited as the Aerial Spraying Control Act, 1966-1968.

Commence-
ment.

2. This Act shall come into operation on the date the principal Act comes into operation.

S. 3
amended.
(Interpreta-
tion.)

3. Section three of the principal Act is amended by substituting for the interpretation "owner" an interpretation as follows—

"owner" used in relation to an aircraft the subject of a hire purchase agreement, a hiring agreement or a bill of sale, means the person in possession of the aircraft under the hire purchase or hiring agreement or the person by whom the bill of sale was made or given; .

S. 6
amended.
(Control of
Aerial
Spraying.)

4. Section six of the principal Act is amended—

(a) by substituting for the passage, " (1) Subject to subsection (2) of this section, a" in line one of subsection (1), the word, "A"; and

(b) by repealing subsection (2).

S. 10
repealed and
re-enacted.

5. Section ten of the principal Act is repealed and re-enacted as follows—

Security to
be lodged by
owner of
aircraft
against
damage.

10. (1) No aerial spraying shall be commenced in this State unless the owner of the aircraft from which the spraying is to be carried out has in respect of that aircraft—

(a) lodged with the Director; or

(b) satisfied the Director that there is lodged in another State or Territory of the Commonwealth with a person acceptable to the Director,

security of at least thirty thousand dollars for the protection of persons other than the owner, who suffer any loss or damage to their property

caused by any agricultural chemical whether in the course of aerial spraying or by spray drift.

(2) A security required under subsection (1) of this section shall be in the form of a contract of insurance that—

- (a) covers Australia-wide operations; and
- (b) is approved by and is issued by a company approved by the Director or by a person who is acceptable to the Director as provided in subsection (1) of this section, as the case requires.

(3) Every security under this section shall cover all amounts in the aggregate up to the insured amount that the insured person is liable to pay to persons suffering loss or damage as provided in subsection (1) of this section.

(4) A contract of insurance complies with this section, notwithstanding that the terms thereof require that in respect to each claim thereunder such initial amount not exceeding one hundred dollars as is stated in the contract, shall be paid by the insured person.

(5) This section shall not be construed as requiring any contract of insurance that is lodged in accordance with this section to cover loss or damage to property on any land on which aerial spraying is carried out at the request of the owner or occupier of the land. .

6. Section twelve of the principal Act is amended—

S. 12
amended.
(Owner to
keep
records.)

- (a) by adding after the word, “out” in line two of subsection (1), the passage, “or where the owner is not the pilot in command of the aircraft at the time the aerial spraying is carried out, the pilot in command of the aircraft at the time”; and

- (b) by adding after the word, "owner" in line three of subsection (2), the words, "or the pilot in command of the aircraft".

S. 13
amended.
(Production
of records.)

7. Subsection (1) of section thirteen of the principal Act is amended—

- (a) by adding after the word, "aircraft" in line one the words, "or the pilot in command of an aircraft";
- (b) by adding after the word, "owner" in line three the words, "or that pilot"; and
- (c) by adding after the word, "owner" in line eight the words, "or to the pilot".

S. 14
amended.
(Inspection
of sprayed
areas.)

8. Section fourteen of the principal Act is amended—

- (a) by adding after paragraph (a) of subsection (1) a paragraph as follows—
- (b) may, at the request of any person who suspects that any crops, trees pastures, or other growth, or animal life on his land or land under his control has or have been injuriously affected by aerial spraying or spray drift, enter on that land for the purpose of ascertaining whether, and to what extent, the crops, trees, pastures, growth or animal life have been so affected; ;
- (b) by substituting for the passage, "; and (b)" after the word, "affected" being the last word in paragraph (a), the passage,

"

;

(c)

"

;

- (c) by substituting for the passage, "drift." at the end of paragraph (b), the passage, "drift; and";
- (d) by adding a paragraph as follows—
 - (d) may, where the person authorised by the Director under this section, is authorised as the owner of an aircraft or his accredited representative or as the insurer of the owner or his accredited representative, after notifying the owner or occupier of the land, enter and inspect the land on which aerial spraying has been or is proposed to be carried out or any adjoining or neighbouring land, before, during or after any aerial spraying operations by that aircraft, to determine the location of crops susceptible thereto, the possible sources of spray drift or any suspected damage that may have resulted from aerial spraying. ;
- (e) by adding after the paragraph designation, "(a)" in line three of subsection (2), the passage, "or (b)";
- (f) by adding after the word, "reported" in line seven of subsection (2), the words, "or suspected";
- (g) by adding after the word, "and" in line eight of subsection (2), the words, "after making such other investigations as he considers necessary";
- (h) by substituting for the words, "concerned and" in line nine of subsection (2), the passage, "concerned,";
- (i) by adding after the word, "land" in line ten of subsection (2) the words, "and the insurer of the owner of the aircraft";

(j) by adding a subsection as follows—

(5) Where the Director receives a notice under and in accordance with subsection (4) of this section, he shall, as soon as he ascertains the name of the owner of the aircraft from which the aerial spraying operations that are alleged to have caused damage, were carried out, give to that owner a copy of the notice. ; and

(k) by adding a subsection as follows—

(6) A person shall not, in a notice given pursuant to subsection (4) of this section, knowingly make any allegation that is false or misleading. .
