

## AERIAL SPRAYING CONTROL.

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No. 45 of 1970.

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AN ACT to amend the Aerial Spraying Control Act, 1966-1968.

[Assented to 8th October, 1970.]

**B**E 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:—

Short title  
and citation

1. (1) This Act may be cited as the *Aerial Spraying Control Act Amendment Act, 1970.*

(2) In this Act the Aerial Spraying Control Act, 1966-1968, 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, 1966-1970.

2. This Act shall come into operation on the date the Aerial Spraying Control Act, 1966, comes into operation.

Commence-  
ment.

3. Section 10 of the principal Act is repealed and re-enacted as follows—

S. 10 re-  
pealed and  
re-enacted.

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

Security to  
be lodged  
by owner of  
aircraft  
against  
damage.

(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 in the form of a contract of insurance for an amount of not less than thirty thousand dollars which indemnifies the owner to the extent—

(i) approved by the Director if the contract of insurance is lodged under paragraph (a) of this subsection; or

(ii) approved by a person acceptable to the Director under paragraph (b) of this subsection if it is lodged as referred to in that paragraph,

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 released from the aircraft in respect of which the contract of insurance exists, whether in the course of the aerial spraying or by spray drift.

(2) The contract of insurance—

(a) shall cover aerial spraying in all parts of Australia; and

(b) shall be issued by an approved company.

(3) In subsection (2) of this section "approved company" means a company approved by the Director if the contract of insurance is lodged under paragraph (a) of subsection (1) of this section, or if it is lodged as referred to in paragraph (b) of that subsection, by a person acceptable to the Director under that paragraph, and includes a company so approved that 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.

(4) The contract of insurance may contain such conditions, warranties and exclusions as are approved by the Director or by a person acceptable to the Director under paragraph (b) of subsection (1) of this section, as the case requires.

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