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AERIAL SPRAYING CONTROL ACT 1966.

AERIAL SPRAYING CONTROL REGULATIONS.

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AERIAL SPRAYING CONTROL ACT 1966.

AERIAL SPRAYING CONTROL REGULATIONS.

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AERIAL SPRAYING CONTROL ACT 1966.

AERIAL SPRAYING CONTROL REGULATIONS.

PART I.—PRELIMINARY.

1. These regulations may be cited as the Aerial Spraying Control Regulations. Citation.
2. These regulations are divided into Parts as follows—

Part I.—Preliminary—regs. 1-3A.	Division. Amended by <i>G.G.</i> 11/7/75, p. 2431.
Part II.—Pilot Chemical Rating Certificate—regs. 4-9.	
Part III.—Aerial Spraying—regs. 10-11.	
Part IV.—Aerial Spraying Over Hazardous Areas—regs. 12-14.	
Part V.—Penalty—reg. 15.	
3. In these regulations, unless the contrary intention appears—

<p>“Act” means the Aerial Spraying Control Act 1966;</p> <p>“Schedule” means Schedule to these regulations.</p>	Definitions.
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- 3A. The chemicals commonly known by the names or expressions set forth in the Fourth Schedule are prescribed as agricultural chemicals for the purposes of the definition “agricultural chemical” in section 3 of the Act.

	Agricultural chemicals. Inserted by <i>G.G.</i> 11/7/75, p. 2431.
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PART II.—PILOT CHEMICAL RATING CERTIFICATE.

4. (1) A person is not eligible to apply for a certificate or for the renewal of a certificate unless he—

<ol style="list-style-type: none"> (a) is the holder of a current and valid commercial or senior commercial pilot's licence endorsed with an agricultural rating under the Air Navigation Regulations of the Commonwealth as in force from time to time or any regulations in substitution therefor as so in force; and (b) has passed the relevant examination as prescribed in regulation 9 of these regulations. 	Application for and renewal of certificate. Amended by <i>G.G.</i> 6/6/80, p. 1702.
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- (2) An applicant for a certificate or for the renewal of a certificate shall—
 - (a) submit an application to the Director in the form of Form 1 in the First Schedule; and
 - (b) forward the prescribed fee with the application.
- (3) The fee for a certificate or its renewal is—
 - (a) for the issue of a certificate—ten dollars; or
 - (b) for the renewal of a certificate—five dollars.
5. The certificate issued to a pilot shall be in the form of Form 2 in the First Schedule.

	Form of certificate.
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- Period of validity of certificate.
- Refusal to grant or renew certificate.
- Appeal against refusal to grant or renew certificate.
- Examinations.
6. A certificate, unless sooner suspended or cancelled, remains valid until the thirtieth day of June following the date of its issue.
7. (1) The Director may—
- (a) refuse to issue or renew a certificate; or
 - (b) vary, suspend or cancel a certificate,
- if a pilot commits an offence against the Act or fails to observe these regulations.
- (2) Notification of the refusal, variation, suspension or cancellation of a certificate shall be forwarded by the Director to the pilot by registered mail.
- (3) On receipt of any notification under subregulation (2) of this regulation the pilot shall, if a current certificate is held, return that certificate to the Director for variation, suspension or cancellation.
8. Any appeal in accordance with the provisions of section 8 of the Act arising from the decision of the Director not to issue or renew a certificate or to vary, suspend or cancel a certificate shall be lodged with the Clerk of the Court of Petty Sessions within two months of the despatch by registered post of such a decision by the Director pursuant to subregulation (2) of regulation 7 of these regulations.
9. (1) Every examination of candidates for qualification for a certificate shall be held at such times and at such places as the Director from time to time determines and notification of each determination and the closing date for entries for the examination shall be advertised in a newspaper circulating generally throughout the State.
- (2) A candidate for an examination for qualification for a certificate shall—
- (a) be the holder of a pilot's licence specified in paragraph (a) of subregulation (1) of regulation 4 of these regulations;
 - (b) submit to the Director not later than the published closing date for entries an application in writing in the form of Form 3 in the First Schedule; and
 - (c) forward with the application a fee of two dollars.
- (3) Every examination for qualification for a certificate shall—
- (a) be conducted by three examiners appointed by the Director;
 - (b) be based on the information set out in the "Aerial Agriculture—Chemical Rating Manual" produced by Commonwealth and State Authorities on behalf of the Australian Agricultural Council, or such other information as the Director determines and has specified in a public manner;
 - (c) be a written examination of 1½ hours' duration; and
 - (d) embrace questions on the various sections of the Manual or other information referred to in paragraph (b) of this subregulation.
- (4) The examiners shall determine from time to time the percentage of marks required to be obtained by a candidate to pass the examination.

PART III.—AERIAL SPRAYING.

- Prohibition on spraying. Amended by G.G. 21/9/72, p. 3861; G.G. 3/12/76, p. 4869.
10. (1) The pilot in command of an aircraft shall not cause or permit aerial spraying with any agricultural chemical to be carried out from the aircraft at any time when, having regard to—
- (a) the equipment used for that purpose;
 - (b) the height from which the aerial spraying is carried out;
 - (c) the wind speed or direction of the wind at the place where the aerial spraying is carried out;
 - (d) the proximity of any susceptible crop to the place at which the aerial spraying is carried out;
 - (e) the volatility of the agricultural chemical being used; or
 - (f) any other circumstance contributing to, or likely to contribute to, the possibility of spray drift,

or any combination of those circumstances, it could reasonably be expected that that aerial spraying might cause spray drift onto any susceptible crop.

(2) The pilot in command of an aircraft shall not cause or permit aerial spraying to be carried out from the aircraft with the agricultural chemicals D.D.T. (dichlorodiphenyltrichloroethane), dieldrin, aldrin or chlordane, unless he has first obtained the consent in writing of the Director and complies with the conditions, if any, which the Director imposes for the purpose at the time of giving his consent.

(3) The pilot in command of an aircraft shall not cause or permit that aircraft to carry out aerial spraying with any agricultural chemicals unless each individual spray nozzle is fitted with a positive and effective leak-proof cut-off valve.

10A. (1) A person appointed to be an inspector under section 13A of the Act shall be furnished with a certificate in the form of Form 4 in the First Schedule evidencing his appointment.

Inspectors' certificate.
Inserted by
G.G. 28/7/78,
p. 2764.

(2) A person aggrieved by an order given by an inspector pursuant to subsection (7) of section 13A of the Act may within thirty days of that order being served upon him appeal to the Minister in writing stating clearly the provisions of the order which are appealed against and the grounds upon which the appeal is made, and the appeal shall be supported by such documentary evidence or references as the appellant may wish to bring to the notice of the Minister.

11. (1) The records required to be made pursuant to section 12 of the Act shall be made in such a form or forms as is or are approved by the Director.

Form of records.

(2) A person who makes any record pursuant to section 12 of the Act shall cause a legible copy thereof to be sent to the Director not later than the twenty-first day of the month following the month in which the record was so made.

(3) The requirements of subregulation (2) of this regulation are in addition to those provided by subsection (1) of section 13 of the Act.

PART IV.—AERIAL SPRAYING OVER HAZARDOUS AREAS.

12. The pilot in command of an aircraft shall not cause or permit aerial spraying to be carried out from the aircraft with any agricultural chemicals prescribed in the Second Schedule within any hazardous area prescribed in the Third Schedule unless—

Aerial spraying over hazardous area.

- (a) he has first obtained the consent in writing of the Director to the carrying out of the aerial spraying; and
- (b) the aerial spraying is carried out in accordance with the conditions, if any, which the Director imposes for the purpose at the time of giving his consent.

13. The pilot in command of an aircraft equipped for aerial spraying shall not transport in that aircraft any of the agricultural chemicals prescribed in the Second Schedule over hazardous areas prescribed in the Third Schedule.

Transport of agricultural chemicals over hazardous area.

14. A pilot in command of an aircraft which has been carrying any of the agricultural chemicals prescribed in the Second Schedule shall not fly over a hazardous area prescribed in the Third Schedule unless the aircraft's spray tanks and spraying equipment have been emptied and, together with the aircraft, cleansed of the agricultural chemicals.

Flying of aircraft over hazardous area.

PART V.—PENALTY.

15. Any person who contravenes or fails to comply with any provisions of these regulations or any order, direction or instruction given or made under these regulations commits an offence and is liable on conviction to a penalty of four hundred dollars or imprisonment for six months, or to both such fine and imprisonment.

Penalty.

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Amended by
G.G. 28/7/78,
p. 2764;
G.G. 6/6/80,
p. 1702.

FIRST SCHEDULE.

Form 1.

Aerial Spraying Control Act 1966.

The RENEWAL

APPLICATION FOR * THE ISSUE OF A PILOT CHEMICAL RATING.
THE RENEWAL

CERTIFICATE.

The Director of Agriculture,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH.

I,..... (Surname)..... (Other Names).....
(BLOCK LETTERS)

of,..... (Postal Address).....
hereby make application for a Pilot Chemical Rating Certificate for the period
ending 30th June, 19.... in accordance with the provisions of the Aerial
Spraying Control Act 1966, and the regulations thereunder, and submit the
following particulars in answer to the questions hereunder:—

Type and Number of Pilot's Licence held
Is Pilot's Licence endorsed with an agricultural rating under the Air
Navigation Regulations of the Commonwealth?
Have you passed the prescribed examination for qualification for a Pilot
Chemical Rating Certificate?
If so, state date and place of examination
I enclose herewith the prescribed fee of +

DATE Signature

* Delete that which is not applicable.
+ The prescribed fees are—
Upon issue \$10
Upon Renewal \$5.

Form 2.

Aerial Spraying Control Act 1966.

PILOT CHEMICAL RATING CERTIFICATE NUMBER.

THIS IS TO CERTIFY THAT
(Name)

of
(Address)

is authorized to act as pilot in command of an aircraft from which aerial
spraying is carried out from the date hereof to the thirtieth day of June,
19.... inclusive subject to, and in accordance with the Aerial Spraying Control
Act 1966, the Air Navigation Act 1920, of the Commonwealth as amended
from time to time and the regulations made under the aforesaid Acts.

.....
Director of Agriculture.

(Date)

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Form 3.

Aerial Spraying Control Act 1966.

APPLICATION FOR EXAMINATION FOR QUALIFICATION FOR A PILOT
CHEMICAL RATING CERTIFICATE TO BE HELD ON*

The Director of Agriculture,
Department of Agriculture,
Jarrah Road,
SOUTH PERTH

(Surname) (Other Names)

I,
(BLOCK LETTERS)

(Postal Address)

of
hereby apply to be examined for qualification for a Pilot Chemical Rating
Certificate and submit the following particulars in answer to the questions
hereunder:—

Type and number of Pilot's Licence held
Is Pilot's Licence endorsed with an agricultural rating under the Air Naviga-
tion Regulations of the Commonwealth?

I enclose herewith the prescribed fee of \$2.

DATE Signature of Applicant

* Date to be inserted.

Form 4.

Appointment notified in *Government
Gazette* Number

CERTIFICATE OF
AUTHORITY.
No.

dated

This is to Certify that

.....
Specimen Signature of Holder.

.....
has been appointed an Inspector
under the Aerial Spraying Control
Act 1966-1978 and has legal auth-
ority to exercise the powers conferred
by the Act upon the holder of such
office.

.....
Minister for Agriculture.

SECOND SCHEDULE.

AERIAL SPRAYING CONTROL ACT 1966.

Agricultural chemicals for the purposes of Part IV of these regulations—

- MCPA
- MCPB
- 2, 4-D
- 2, 4-DB
- 2, 4, 5-T
- Dicamba
- Fenoprop (2, 4, 5-TP)
- 4 CPA
- Picloram

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Amended by
G.G. 11/7/75,
p. 2431.

THIRD SCHEDULE.
AERIAL SPRAYING CONTROL ACT 1966.

Hazardous Areas:

1. All that land bounded by a circular line twelve miles radius from Mount Scott in the Geraldton townsite commencing on the western coast of the State north from Buller River and ending at the Midland Railway line south from Georgina Siding from which point the boundary continues in a straight line to the mouth of the Greenough River.

2. All that land bounded by lines starting from the junction of Ida Street and Anzac Terrace in the Shire of Bassendean, extending east to the southeast corner of Swan Location 3218; thence north to the southeast corner of Swan Location 1339; thence west to the northwest corner of Swan Location 277; thence south to the starting point.

3. The following King District Locations in the Kimberley Division as constituted and defined by section 28 of the Land Act 1933—

203, 205 to 221 each location inclusive, 227 to 229 each location inclusive, 231 to 247 each location inclusive, 249, 251 to 261 each location inclusive, 263, 264, 267 to 271 each location inclusive, 273, 276 to 283 each location inclusive, 288 to 291 each location inclusive, 293 to 296 each location inclusive, 299, 303, 304, 306, 317 to 319 each location inclusive, 323 and 383 to 387 each location inclusive.

FOURTH SCHEDULE.

Inserted by
G.G. 11/7/75,
p. 2431.
Amended by
G.G. 31/12/76,
p. 5143.

Dieldrin
Aldrin
Chlordane
MCPA
2, 4-D
2, 4-DB
2, 4, 5-T
Dicamba
Fenoprop (2, 4, 5-TP)
4 CPA
Picloram
D.D.T. (*dichlorodiphenyltrichloroethane*)