



Western Australia

Aerial Spraying Control Act 1966

Aerial Spraying Control Regulations

Reprinted as at 24 December 1999

Western Australia

Aerial Spraying Control Regulations

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Western Australia

Reprinted under the
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at 24 December 1999

Aerial Spraying Control Act 1966

Aerial Spraying Control Regulations

Part I — Preliminary

1. Citation

These regulations may be cited as the *Aerial Spraying Control Regulations*¹.

[2. *Repealed in Gazette 6 January 1998 p.33.*]

3. Definitions

In these regulations, unless the contrary intention appears —
“**Act**” means the *Aerial Spraying Control Act 1966*;
“**Schedule**” means Schedule to these regulations.

3A. Agricultural chemicals

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.

[*Regulation 3A inserted in Gazette 11 July 1975 p.2431.*]

Part II — Pilot chemical rating certificate

4. Application for and renewal of certificate

- (1) A person is not eligible to apply for a certificate or for the renewal of a certificate unless he —
 - (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.
- (2) An applicant for a certificate shall submit an application to the Director in the form of Form 1 in the First Schedule.
- (3) An applicant for the renewal of a certificate shall —
 - (a) submit an application to the Director in the form of Form 1 of the First Schedule; and
 - (b) forward with the application a fee of \$10.00.

[Regulation 4 amended in Gazette 6 June 1980 p.1702; 7 July 1989 p.2116; 3 August 1990 p.3672; 18 October 1991 p.5309; 24 July 1992 p.3601; 17 September 1993 p.5042; 21 July 1995 p.3059; 3 September 1996 p.4370; 23 June 1998 p.3316.]

5. Form of certificate

The certificate issued to a pilot shall be in the form of Form 2 in the First Schedule.

6. Period of validity of certificate

A certificate, unless sooner suspended or cancelled, remains valid until 30 June following the date of its issue.

7. Refusal to grant or renew certificate

- (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) the pilot shall, if a current certificate is held, return that certificate to the Director for variation, suspension or cancellation.

8. Appeal against refusal to grant or renew certificate

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 2 months of the despatch by registered post of such a decision by the Director pursuant to regulation 7(2).

9. Examinations

- (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 regulation 4(1)(a); and

Aerial Spraying Control Regulations

Part II Pilot chemical rating certificate

r. 9

- (b) forward an examination fee of \$19.00 to the Director prior to the date of the examination.
- (3) Every examination for qualification for a certificate shall —
 - (a) be conducted by 3 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).
- (4) The examiners shall determine from time to time the percentage of marks required to be obtained by a candidate to pass the examination.

*[Regulation 9 amended in Gazette 7 July 1989 p.2116;
3 August 1990 p.3672; 18 October 1991 p.5310; 24 July 1992
p.3601; 24 June 1994 p.2831; 3 September 1996 p.4370;
23 June 1998 p.3316.]*

Part III — Aerial spraying

10. Prohibition on spraying

- (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.

*[Regulation 10 amended in Gazette 21 September 1972 p.3861;
3 December 1976 p.4869.]*

r. 10A

10A. Inspectors' certificate

- (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.
- (2) A person aggrieved by an order given by an inspector pursuant to section 13A(7) of the Act may within 30 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.

[Regulation 10A inserted in Gazette 28 July 1978 p.2764.]

11. Form of records

- (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.
- (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 21st day of the month following the month in which the record was so made.
- (3) The requirements of subregulation (2) are in addition to those provided by section 13(1) of the Act.

Part IV — Aerial spraying over hazardous areas

12. Aerial spraying over hazardous area

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 —

- (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. Transport of agricultural chemicals over hazardous area

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.

14. Flying of aircraft over hazardous area

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.

Part V — Penalty

15. Penalty

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 \$400 or imprisonment for 6 months, or to both such fine and imprisonment.

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First Schedule

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 30 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 Agriculture²

(Date)

[Form 3 deleted]

Form 4

Appointment notified in *Government Gazette* Number

CERTIFICATE OF
AUTHORITY

No.

dated

This is to Certify that

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

.....
Specimen Signature of Holder

.....
Minister for Agriculture ⁴

*[First Schedule amended in Gazette 28 July 1978 p.2764;
6 June 1980 p.1702; 7 July 1989 p.2116.]*

Second Schedule

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

Third Schedule

Aerial Spraying Control Act 1966

Hazardous Areas:

1. All that land bounded by a circular line 12 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 south-east corner of Swan Location 3218; thence north to the south-east corner of Swan Location 1339; thence west to the north-west 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*⁵ —

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.

[Third Schedule amended in Gazette 11 July 1975 p.2431.]

Fourth Schedule

Fourth Schedule

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*)

*[Fourth Schedule inserted in Gazette 11 July 1975 p.2431; amended
in Gazette 31 December 1976 p.5143.]*

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Notes

1. This reprint is a compilation as at 24 December 1999 of the *Aerial Spraying Control Regulations* and includes the amendments included in the reprint of 5 October 1983 and the amendments referred to in the following Table.

Table of Regulations

Citation	Gazettal	Commencement	Miscellaneous
<i>Aerial Spraying Control Regulations</i>	31 March 1971 pp.1065-70	31 March 1971	
(Regulations effecting amendments in the previous reprint are not referred to in this Table)	11 October 1983 pp.4137-46		Previous reprint as at 5 October 1983
<i>Aerial Spraying Control Amendment Regulations 1989</i>	7 July 1989 p.2116	7 July 1989	
<i>Aerial Spraying Control Amendment Regulations 1990</i>	3 August 1990 p.3672	3 August 1990	
<i>Aerial Spraying Control Amendment Regulations 1991</i>	18 October 1991 pp.5309-10	18 October 1991	
<i>Aerial Spraying Control Amendment Regulations 1992</i>	24 July 1992 p.3601	24 July 1992	
<i>Aerial Spraying Control Amendment Regulations 1993</i>	17 September 1993 p.5042	17 September 1993	
<i>Aerial Spraying Control Amendment Regulations 1994</i>	24 June 1994 pp.2830-1	1 July 1994 (see regulation 2)	
<i>Aerial Spraying Control Amendment Regulations 1995</i>	21 July 1995 p.3059	21 July 1995	
<i>Aerial Spraying Control Amendment Regulations 1996</i>	3 September 1996 pp.4369-70	4 September 1996 (see regulation 2)	

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Citation	Gazettal	Commencement	Miscellaneous
<i>Miscellaneous Amendments Regulations 1997</i>	6 January 1998 p.33	6 January 1998	
<i>Aerial Spraying Control Amendment Regulations 1998</i>	23 June 1998 pp.3315-6	23 June 1998	

² Now the Director General of Agriculture. See *Agriculture Act 1988* s.16.

³ Now known as Agriculture WA.

⁴ Title changed to the Minister for Primary Industry.

⁵ References to the *Land Act 1933* are to be construed as being references to the *Land Administration Act 1997* (No. 30 of 1997) according to section 281(3) of that Act.