



APIARIES ACT 1935

[Consolidated as at 1 March 1985
on the authority of the Administrator
and in accordance with
the *Enactments Reprinting Act 1980*]

TABLE OF PROVISIONS

1. Short title
2. Definitions
3. Inspectors
- 3A. Importation of bees
4. Infected bees, etc, not to be kept or sold or brought into Norfolk Island
5. Bee-keeper to give notice of disease
6. Powers of entry and inspection
7. Power to destroy bees
8. Bee-hives, etc, liable to spread disease to be disinfected
9. After date to be fixed only frame-hives to be used
10. Transfer of bees to frame-hive
11. Alteration of hive, frame, etc
- 11A. Provisions inapplicable to certain bees
12. Registration of apiaries
13. Inspectors not liable except for wilful damage
14. Service of orders, etc
15. Offences and penalties
16. Recovery of expense
17. Regulations



Apiaries Act 1935

An Act to regulate the bee industry and to prevent the spread of disease in bees

Short title

1. This Act may be cited as the *Apiaries Act 1935*.

Definitions

2. In this Act, unless the contrary intention appears —
 - “apiary” means any place where bees are kept;
 - “bee-keeper” means any person who keeps bees, or any person in charge of bees;
 - “disease” means foul brood, bee-moths, or any other disease or pest declared by the executive member, by notice published in the Gazette, to be a disease within the meaning of this Act;
 - “frame-hive” means a hive containing movable frames in which the combs are built and which may be readily removed from the hive for examination;
 - “inspector” means an inspector appointed in pursuance of this Act.

Inspectors

3. The executive member may appoint such inspectors and other officers as are necessary to carry out the provisions of this Act.

Importation of bees

3A. (1) A person shall not bring into, or cause to be brought into, Norfolk Island —

- (a) bees of a species other than the species *Apis mellifera* (L.);
or

- (b) bees of the species *Apis mellifera* (L.) from a country other than Australia, Canada, New Zealand or the United States of America,

unless, in a particular case —

- (c) the executive member has certified, by instrument in writing, that he is satisfied —
 - (i) that the bees are to be brought into Norfolk Island for scientific purposes or in special circumstances; and
 - (ii) that the arrangements proposed for keeping, dealing with and treating the bees are such that their presence in Norfolk Island is not likely to lead to the spread of disease in Norfolk Island; and
- (d) the instrument is produced to the Collector of Customs or to an inspector.

(2) A person shall not bring into, or cause to be brought into, Norfolk Island bees of the species *Apis mellifera* (L.) from Australia, Canada, New Zealand or the United States of America unless, in a particular case —

- (a) an inspector has certified, by instrument in writing, that, in the circumstances of the case, he is satisfied that their presence in Norfolk Island will not introduce disease into Norfolk Island; and
- (b) the instrument is produced to the Collector of Customs or to an inspector.

Infected bees, etc, not to be kept or sold or brought into Norfolk Island

4. (1) A bee-keeper shall not —
- (a) keep or allow to be kept upon any land occupied by him any bees, bee-combs, hives, or appliances known by him to be infected with or liable to spread disease without immediately taking the prescribed steps to cure or eradicate the disease; or
 - (b) sell, barter, give away, or, otherwise than in the prescribed manner, dispose of any bees or appliances from an apiary known by him to be infected with or liable to spread disease.

(2) A person shall not bring into, or cause to be brought into, Norfolk Island, any bee-combs, hives, honey or appliances unless and until he has made an application to the executive member for the purpose and the executive member has consented thereto.

(3) Any application for the consent of the executive member in pursuance of subsection 4(2) shall be accompanied by a certificate in writing from an apiculturist of the Department of Agriculture in the State or country of origin, or from such person as the executive member considers to be appropriate in the circumstances, certifying that the bee-combs, hives, honey, or appliances come from a district in which foul brood (*Bacillus larvae*, *Bacillus pluton*, or *Bacillus alvei*) and Isle of Wight disease (Acarine disease) do not exist.

(4) The lessee, holder or occupier of any land on to which any bee-combs, hives, honey or appliances are to be brought from outside Norfolk Island shall forthwith notify that fact to the executive member.

(5) Subsections 4(1), 4(2), 4(3) and 4(4) do not apply to honey —

- (a) that is brought into Norfolk Island for commercial purposes;
- (b) that is packed in a container that is either effectively sealed or closed in such a way as to prevent the honey from escaping; and
- (c) as to which an inspector is satisfied that the honey will not introduce disease into Norfolk Island.

Bee-keeper to give notice of disease

5. Every bee-keeper in whose apiary any disease appears shall immediately after first becoming aware of its presence, send written notice thereof to the executive member or to an inspector.

Powers of entry and inspection

6. Any inspector may, after giving reasonable notice to, or with the permission of the bee-keeper concerned, enter and inspect any premises where bees are kept, and may inspect any bees, bee-hives, fitting, apparatus, appliances, or any articles used in connection therewith.

Power to destroy bees

7. (1) If an inspector certifies, in writing to the executive member, that any bees are diseased and, in his opinion, are a source of

danger to other bees, and that they ought to be destroyed, the executive member may make an order directing the bee-keeper to destroy the bees.

(2) If, at the expiration of 7 days after the service of the order upon the bee-keeper, the bees are not destroyed, any inspector may cause them to be destroyed at the bee-keeper's expense.

Bee-hives, etc, liable to spread disease to be disinfected

8. (1) If an inspector finds that any bee-hive, fittings, apparatus, appliances, or any other articles are, in his opinion, liable to spread disease, he may order —

- (a) that all or any of them be cleansed, disinfected, or readjusted in such manner and within such time as he directs, at the bee-keeper's expense; and
- (b) that the articles, or such of them as he specifies, shall not be sold or otherwise alienated or removed for a further specified period of not more than one month, except with his written consent.

(2) If the inspector certifies in writing to the executive member that any of the articles mentioned in this section cannot be effectively cleansed, disinfected, or readjusted, and that they ought to be destroyed, the inspector may cause the articles to be destroyed at the cost of the bee-keeper.

(3) Where the value of the articles ordered to be destroyed exceeds \$50, the articles shall not be destroyed except with the approval in writing of the executive member.

After date to be fixed only frame-hives to be used

9. Any person keeping bees, other than native or indigenous bees, in any hive other than a frame-hive, shall be guilty of an offence.

Penalty: 2 penalty units.

Transfer of bees to frame-hives

10. (1) If an inspector finds any bees hived otherwise than in frame-hives, he may by notice in writing require the bee-keeper to transfer the bees to frame-hives, within a time specified in the notice.

(2) If, at the expiration of that time, the bees are not so transferred, he may cause the bees to be so transferred at the bee-keeper's expense, and the bee-keeper shall in addition be guilty of an offence.

Penalty: 2 penalty units.

Alteration of hive, frame, etc

11. If an inspector finds that the bee-combs in any hive cannot, without cutting, be separately and readily removed from the hive for examination, he may order the bee-keeper to readjust the hive, comb, or frame, in such manner and within such time as he specifies.

Provisions inapplicable to certain bees

11A. Sections 9, 10 and 11 do not apply with respect to bees brought into Norfolk Island as mentioned in subsection 3A(1).

Registration of apiaries

12. (1) A bee-keeper shall apply to have his apiary registered.

(2) The application for the registration of an apiary established at the commencement of this Act shall be made within one month thereafter.

(3) The application for the registration of an apiary established after the commencement of this Act shall be made within one month after the establishment thereof.

(4) A bee-keeper who removes his apiary shall within 14 days of the removal give notice thereof.

(5) Applications and notices under this section shall be made to the executive member in accordance with the prescribed form.

(6) The executive member may register or refuse to register any apiary.

(7) A bee-keeper who fails to comply with any of the provisions of this section shall be guilty of an offence.

Penalty: 2 penalty units.

Inspectors not liable except for wilful damage

13. (1) An inspector acting in the execution of this Act shall not be deemed to be a trespasser by reason of any entry or removal or destruction authorised by this Act nor be liable for any damage occasioned in carrying out the provisions of this Act, unless the damage was occasioned by the inspector wilfully and without necessity.

(2) A person shall not be entitled to receive any compensation in consequence of any measures taken for the eradication of any disease or the destruction of any bees or any articles ordered to be destroyed under this Act, or in respect of any damage that may result to him therefrom, either directly or indirectly, unless the damage was occasioned wilfully and without necessity.

Service of orders, etc

14. Every direction or order by the executive member, or an inspector, shall be in writing, and, in the case of a direction or order by an inspector, signed under his hand, and shall be either delivered to the bee-keeper personally or sent to him at his last known place of abode.

Offences and penalties

15. Every person who —

- (a) obstructs an inspector in the exercise of his duties under this Act; or
- (b) fails to comply with any order or direction given under the provisions of this Act; or
- (c) commits any other breach of this Act,

shall be guilty of an offence, and shall, where no other penalty is provided, be liable to a penalty not exceeding 2 penalty units and in the case of a failure to comply with any such order or direction the inspector may himself carry out the necessary work at the expense of the person failing so to comply.

Recovery of expense

16. Where by this Act it is provided that anything may be done at the bee-keeper's expense, the cost of such action shall be deemed to be a debt due to the Administration and may be recovered by an inspector suing in his own name, in any Court of competent jurisdiction.

Regulations

17. The Administrator may make regulations, not inconsistent with this Act, prescribing all matters which are required or permitted to be prescribed or which are necessary or convenient to be prescribed for carrying out and giving effect to this Act and in particular prescribing matters providing for and in relation to —

- (a) the duties of inspectors;
- (b) the obligations of bee-keepers with respect to inspections;
- (c) the fees payable in respect of the registration of apiaries; and
- (d) the imposition of penalties not exceeding 2 penalty units for breaches of the regulations.

NOTES

The *Apiaries Act 1935* as shown in this consolidation comprises Act No. 4 of 1935 and amendments as indicated in the Tables below.

Enactment	Number and year	Date of commencement	Application saving or transitional provision
<i>Apiaries Act 1935</i>	4, 1935	5.7.35	12
<i>Amendments Incorporation Act 1963</i>	2, 1963	28.3.63	
<i>Ordinances Revision Act 1964</i>	6, 1964	30.6.64	6
<i>Ordinances Citation Act 1976</i>	11, 1976	26.11.76	
<i>Ordinances Revision Act 1979</i>	13, 1979	7.8.79	
<i>Ordinances Revision (Executive Members) Act 1980</i>	8, 1980	6.11.81	5
<i>Ordinances Revision (Decimal Currency) Act 1980</i>	31, 1980	15.1.81	
<i>Apiaries (Amendment) Act 1984</i>	18, 1984	13.12.84	

Table of Amendments

ad = added or inserted am = amended rep = repealed rs = repealed and substituted

Provisions affected	How affected
1	am 2, 1963; 11, 1976
2	am 6, 1964; 8, 1980
3	am 8, 1980
3A	ad 18, 1984
4(2)(3)(4)	am 8, 1980; 18, 1984
4(5)	ad 18, 1984
5	am 8, 1980

ad = added or am = amended rep = repealed rs = repealed and
 inserted substituted

Provisions affected	How affected
6	am 18, 1984
7	am 8, 1980
8(2)	am 8, 1980; 31, 1980; 18, 1984
8(3)	ad 18, 1984
9	am 6, 1964; 31, 1980; 18, 1984
10	am 31, 1980; 18, 1984
11A	ad 18, 1984
12	am 8, 1980; 31, 1980; 18, 1984
14	am 8, 1980
15	am 18, 1984
16	am 13, 1979
17	am 13, 1979; 31, 1980; 18, 1984

© Norfolk Island Government 2002

The *Copyright Act 1968* of the Commonwealth of Australia permits certain reproduction and publication of this legislation. For reproduction or publication beyond that permitted by the Act, written permission must be sought from the Legislative Draftsperson, Administration of Norfolk Island, Norfolk Island, South Pacific 2899.