

Apiaries Regulation 2005

Her Excellency the Governor, with the advice of the Executive Council, has made the following Regulation under the *Apiaries Act 1985*.

Minister for Primary Industries

Explanatory note

The object of this Regulation is to remake, with certain omissions and additions and minor changes in substance, the *Apiaries Regulation 1995*, which is repealed on 1 September 2005 by section 10 (2) of the *Subordinate Legislation Act 1989*.

Both the omitted matter and the additional matter is consequential on the amendments made to the *Apiaries Act 1985* ("**the Act**") by the *Statute Law (Miscellaneous Provisions) Act 2005*.

The amendments did away with the necessity for certain matters under the Act (such as certain forms) to be prescribed by the regulations. (The forms are, instead, to be approved by the Director-General of the Department of Primary Industries.)

The amendments also permit the regulations to prescribe certain offences under the Act or the regulations as offences in respect of which penalty notices may be issued, and to prescribe the amounts of the fines payable under such penalty notices.

This Regulation is made under the *Apiaries Act 1985*, including section 50 (the general regulation-making power) and the sections specifically referred to in the Regulation.

1 Name of Regulation

This Regulation is the *Apiaries Regulation 2005*.

2 Commencement

This Regulation commences on 1 September 2005.

3 Definitions

(1) In this Regulation: "**nucleus hive**" means a colony of bees consisting of not more than 6 standard full depth Langstroth frames. "**queen candy**" means the substance made by kneading powdered sugar into honey (or into an invert sugar syrup) until a stiff dough is formed. "**the Act**" means the *Apiaries Act 1985*.

(2) Notes included in this Regulation do not form part of this Regulation.

4 Queen candy

Queen candy is declared under the definition of "**apiary product**" in section 3 (1) of the Act to be an apiary product for the purposes of the Act.

5 Application for registration, or renewal of registration, as beekeeper

(1) The prescribed registration fee to accompany an application under section 7 of the Act for registration as a beekeeper, or an application under section 11 for the renewal of such a registration, is the sum of the following components:

(a) a base registration fee of \$40.00, and

(b) a bee compensation levy calculated at the rate of \$3.00 for every 10 (or part of 10) hives to which the application relates.

(2) For the purpose of subclause (1) (b), 4 nucleus hives are taken to be 1 hive.

6 Prescribed laws

(1) For the purposes of section 8 (2) (a) (i) of the Act, each of the following laws is a prescribed law of another State:

- (a) the *Apiaries Act 1982* of Queensland,
- (b) the *Livestock Act 1997* of South Australia,
- (c) the *Animal Health Act 1995* of Tasmania,
- (d) the *Livestock Disease Control Act 1994* of Victoria,
- (e) the *Beekeepers Act 1963* of Western Australia.

(2) For the purposes of section 8 (2) (a) (i) of the Act, each of the following laws is a prescribed law of a Territory:

- (a) the *Animal Diseases Act 1993* and the *Animal Diseases Act 2005* of the Australian Capital Territory,
- (b) the *Stock Diseases Act* of the Northern Territory.

7 Register of beekeepers

(1) For the purposes of section 8 (3) (a) of the Act, the prescribed particulars of an applicant to be entered in the register of beekeepers are the particulars required by section 13 (3) of the Act.

(2) For the purposes of section 13 (3) (f) of the Act, the prescribed other particulars to be entered in the register in relation to a beekeeper's registration are the following:

- (a) the postal address and business telephone number of the beekeeper (as well as the home telephone number of a beekeeper that is a natural person),
- (b) the number of hives to which the registration relates,
- (c) the number of nucleus hives to which the registration relates.

8 Record of hives moved, lost or stolen

(1) For the purposes of section 10 (1) (a) of the Act, the prescribed record is one that is written (whether by hand or by machine) or electronically recorded in a form that may readily be converted into writing and contains the particulars required by this clause.

(2) The particulars required in relation to the movement of beehives are the following:

- (a) the date when the hives were moved,
- (b) the number of hives moved,
- (c) the site from which the hives were moved,
- (d) the site to which the hives were moved,
- (e) the name of the person who moved the hives,
- (f) if any beehives have been lost or stolen--the date of the loss or theft and the number of hives lost or stolen (to the extent that this information is known to the beekeeper).

9 Print-outs from register

For the purposes of section 13 (6) of the Act, the prescribed fees for a computer print-out from the register are as follows:

- (a) for a print-out of a single entry--\$20.00,
- (b) for a print-out of a group of entries not constituting the entire register (for example, entries by reference to a postcode, surname, or the like)--\$50.00,
- (c) for a print-out of the entire register--\$150.00.

10 Identification of hives

(1) For the purposes of section 15 (1) of the Act, the prescribed period is 60 days after the allocation of the registration number.

(2) For the purposes of section 15 (2) of the Act, it is a prescribed requirement that every letter and number of a registration number be branded on the outside wall of the broodbox in such a manner as to be incapable of being obliterated by painting.

11 Disposal of bees or other things by an inspector

(1) For the purposes of section 17 (1) (a) of the Act, the prescribed time is the period of 20

days commencing when an inspector first examines the apiary for the purpose of ascertaining by whom the apiary is kept.

(2) For the purposes of section 17 (1) (a) (ii) and (b) of the Act, the prescribed manner of disposal is by sale at the best offer made to the inspector after the intended sale has been advertised in a newspaper circulating generally within the district where the bees, hives, products or appliances were located when seized.

(3) The proceeds of the sale must be paid into the Consolidated Fund.

12 Prescribed officers

For the purposes of section 25 (1) of the Act, a prescribed officer of a State or Territory is an officer who exercises the functions of an inspector of apiaries under a law of that State or Territory (being a law that is prescribed by clause 6 for the purposes of section 8 (2) (a) (i) of the Act).

13 Proportions relating to compensation claims

For the purposes of section 31 (1) of the Act, the prescribed proportions are as follows:

- (a) in the case of queen bees that have been destroyed--100 per cent,
- (b) in the case of beehives or appliances that have been destroyed--50 per cent,
- (c) in the case of beehives or appliances that have been irradiated--100 per cent.

14 Use of infected queen candy

A person must not use queen candy for the purpose of providing food for bees in transit if the queen candy is infected with any notifiable disease.

15 Night parking of vehicle containing bees

When a vehicle contains a beehive with an open entrance, a person must not park the vehicle between the hours of sunset and sunrise:

- (a) within 200 metres of a street light, or
- (b) within a residential area.

16 Penalty notices

For the purposes of section 42A of the Act:

- (a) each offence arising under a provision specified in Column 1 of Schedule 1 is prescribed as a penalty notice offence, and
- (b) the prescribed penalty for such an offence is the amount specified in relation to the offence in Column 2 of Schedule 1.

17 Saving

Any act, matter or thing that immediately before the repeal of the *Apiaries Regulation 1995* had effect under that Regulation is taken to have effect under this Regulation.

Schedule 1 Penalty notice offences

(Clause 16)

Column 1	Column 2
Offence	Penalty (\$)
Apiaries Act 1985	
Section 6 (1)	If the number of beehives kept is 50 or smaller--\$150
	If the number of beehives kept is greater than 50 but smaller than 401--\$275
	If the number of beehives kept is greater than 400--\$550
Section 6 (2)	If the number of beehives kept is 50 or smaller--\$150

	If the number of beehives kept is greater than 50 but smaller than 401--\$275
	If the number of beehives kept is greater than 400--\$550
Section 10 (4)	\$275
Section 14 (1)	\$275
Section 14 (5)	\$150
Section 15 (3)	\$275
Section 16 (4)	\$150
Section 17 (2)	\$275
Section 18 (6)	\$550
Section 19 (4)	\$275
Section 20 (2)	\$275
Section 21 (a)	\$550
Section 21 (b)	\$550
Section 22 (3)	\$550
Section 23 (10)	\$550
Section 24 (7)	\$550
Section 24A (3)	\$550
Section 26 (5)	\$550
Section 26 (6)	\$275
Section 27 (4)	\$275
Section 27 (5)	\$275
Section 38 (5)	\$275
Apiaries Regulation 2005	
Clause 14	\$150
Clause 15	\$150

Historical notes

The following abbreviations are used in the Historical notes:

Am	amended	No	number	Schs	Schedules
Cl	clause	p	page	Sec	section
Cll	clauses	pp	pages	Secs	sections
Div	Division	Reg	Regulation	Subdiv	Subdivision
Divs	Divisions	Regs	Regulations	Subdivs	Subdivisions
GG	Government Gazette	Rep	repealed	Subst	substituted
Ins	inserted	Sch	Schedule		

Table of amending instruments *Apiaries Regulation 2005 (471)*. GG No 107 of 26.8.2005, p 4969. Date of commencement, 1.9.2005, cl 2.