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Animal Health (Apiaries) Regulations 2011

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Animal Health (Apiaries) Regulations 2011

I, the Governor in and over the State of Tasmania and its Dependencies in the Commonwealth of Australia, acting with the advice of the Executive Council, make the following regulations under the Animal Health Act 1995 .

5 December 2011

PETER G. UNDERWOOD

Governor

By His Excellency's Command,

BRYAN GREEN

Minister for Primary Industries and Water

1. Short title

These regulations may be cited as the Animal Health (Apiaries) Regulations 2011 .

2. Commencement

These regulations take effect on 26 December 2011.

3. Interpretation

In these regulations –

address means –

- (a) in the case of a natural person, the address of the person's usual place of residence or business; and
- (b) in the case of a corporation, the address of the corporation's principal place of business or of its principal or registered office;

approved foundation means a flat sheet of beeswax or other material, which has a base of honeycomb cells, approved by the Chief Veterinary Officer;

occupied hive means a hive that contains bees.

4. Identification of apiaries

(1) A person who keeps an apiary consisting of 10 or fewer hives must ensure that at least one of those hives is suitably identified in a manner determined by the Chief Veterinary Officer.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.1 penalty units for each day during which the offence continues.

(2) A person who keeps an apiary consisting of more than 10 hives must ensure that at least one-tenth of those hives is suitably identified in a manner determined by the Chief Veterinary Officer.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.1 penalty units for each day during which the offence continues.

(3) For the purposes of subregulations (1) and (2), a person is taken to have suitably identified a hive if the person's name and address are displayed on an external vertical face of the hive in lettering that is –

- (a) indelible; and
- (b) at least 25 millimetres high; and
- (c) of a contrasting colour to that face of the hive.

5. Bees must be kept in standard or approved hives

(1) A person must keep bees in a hive that is –

- (a) a standard hive; or
- (b) a hive determined by the Chief Veterinary Officer to be suitable for keeping bees.

Penalty: Fine not exceeding 5 penalty units and, in the case of a continuing offence, a further fine not exceeding 0.1 penalty units for each day during which the offence continues.

(2) For the purposes of subregulation (1)(a), a hive is taken to be a standard hive if it has been constructed in the form of a box and fitted with vertically positioned parallel moveable frames that are –

- (a) made of wood, plastic or a similar material; and
- (b) placed vertically in the box so as to be separated from the box, and from each other, by a distance of at least 8 millimetres; and
- (c) fitted with an approved foundation; and
- (d) capable of being readily removed from the box to allow the honeycomb, if any, to be examined.

6. Abandoned hives, &c.

(1) An inspector may seize any occupied hive, vacant hive, honey, beeswax or beekeeping equipment that in the reasonable opinion of the inspector –

- (a) has been abandoned; or
- (b) has been neglected to such extent that it poses a present or potential danger to the apiary industry.

(2) Subject to subregulation (3) , any hives, bees or other things seized under this regulation may be destroyed or disposed of in such manner as the Chief Veterinary Officer may direct.

(3) No occupied hive, vacant hive or equipment bearing the name of a person, apparently as owner or as otherwise being entitled to possession of that hive or equipment, is to be destroyed or disposed of under this regulation unless –

(a) notice of the seizure is served on that person; and

(b) the person fails to take possession of that hive or equipment within the 14-day period immediately following the service of the notice.

Displayed and numbered in accordance with the *Rules Publication Act 1953*.

Notified in the *Gazette* on 14 December 2011

These regulations are administered in the Department of Primary Industries, Parks, Water and Environment.